

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY**

KATE CONROY, NOREEN CONROY,  
GERALD PRECOURT, JUN PIDLAOAN,  
NATHANIEL BIVENS, and IVY VILLALTA  
individually and on behalf of others similarly  
situated,

Plaintiffs,

vs.

VOLKSWAGEN GROUP OF AMERICA, INC.  
and VOLKSWAGEN AG,

Defendants.

No.: 2:20-cv-17837

**CLASS ACTION COMPLAINT**

**DEMAND FOR JURY TRIAL**

Plaintiffs Kate Conroy, Noreen Conroy, Gerald Precourt, Jun Pidlaoan, Nathaniel Bivens, and Ivy Villalta bring this action against Defendant Volkswagen Group of America, Inc. and Volkswagen AG (collectively, “Defendants” or “Volkswagen”), by and through their attorneys, individually and behalf of all others similarly situated, and allege as follows:

**INTRODUCTION**

1. This is a class action lawsuit brought by Plaintiffs on behalf of themselves and a class of current and former owners and lessees of model years (“MY”) 2018 and 2019 Volkswagen GTI, Golf, Jetta, Passat and Tiguan vehicles equipped with 2.0L TSI engines (the “Class Vehicles” or “Vehicles”).<sup>1</sup>

2. This action arises from Volkswagen’s failure, despite its longstanding knowledge, to disclose to Plaintiffs and other consumers that the engines in the Class Vehicles are

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<sup>1</sup> Plaintiffs reserve the right to amend or add to the vehicle models included in the definition of Class Vehicles after conducting discovery.

predisposed to a manufacturing defect which causes them to suddenly and unexpectedly stall and stop while being operated. (“Engine Stalling Defect”).

3. Such stalling causes the Class Vehicles to abruptly stop, posing a danger to the driver and occupants of the Class Vehicles, and others that share the road with them, as other vehicles can collide with the Class Vehicle that has stopped moving without warning.

4. Not only did Volkswagen actively conceal the fact that the Class Vehicles were prone to the Engine Stalling Defect, which could result in sudden and unexpected slowing and stopping events and other dangerous situations (and require costly repairs to fix), it did not reveal that the existence of this Defect would diminish the intrinsic and resale value of the Class Vehicles.

5. Volkswagen has long been aware of the Engine Stalling Defect. Despite its longstanding knowledge, Volkswagen has been unable or unwilling to adequately repair the Class Vehicles when the Engine Stalling Defect manifests.

6. Many owners and lessees of Class Vehicles have communicated with Defendants and its agents to request that Volkswagen remedy and/or address the Engine Stalling Defect at Defendants’ expense. Defendants have failed and/or refused to do so, often conveying to owners and lessees that the Class Vehicles are operating as intended and therefore cannot be repaired under warranty or otherwise.

7. Despite notice and knowledge of the Engine Stalling Defect from the numerous consumer complaints it has received and that have been posted online, as well as information received from Volkswagen dealerships, pre-sale durability testing, National Highway Traffic Safety Administration (“NHTSA”) complaints, and its own internal records, Volkswagen has not recalled the Class Vehicles to repair the Engine Stalling Defect, offered its customers a suitable

repair or replacement free of charge, or offered to reimburse its customers who have incurred out of pocket expenses related to the Engine Stalling Defect.

8. As a result of Volkswagen's unfair, deceptive and/or fraudulent business practices, owners and/or lessees of Class Vehicles, including Plaintiffs, have suffered an ascertainable loss of money and/or property and/or loss in value. The unfair and deceptive trade practices committed by Volkswagen were conducted in a manner giving rise to substantial aggravating circumstances.

9. Had Plaintiffs and other Class members known about the Engine Stalling Defect at the time of purchase or lease of their vehicles, they would not have purchased or leased the Class Vehicles, or would have paid substantially less for the Class Vehicles.

10. As a result of the Engine Stalling Defect, Plaintiffs and Class members have suffered injury in fact, incurred damages and have otherwise been harmed by Volkswagen's conduct.

11. Accordingly, Plaintiffs bring this action to redress Volkswagen's violations of the New Jersey Consumer Fraud Act, New York General Business Law, Florida Deceptive and Unfair Trade Practices Act, California Consumer Legal Remedies Act, California Business and Professions Code, California's Song-Beverly Consumer Warranty Act, and Magnusson-Moss Warranty Act, Ohio Consumer Sales Practices Act and also to seek recovery for Volkswagen's unjust enrichment, breach of express warranty, breach of implied warranty, common law fraud, and breach of the covenant of good faith and fair dealing.

#### **JURISDICTION AND VENUE**

12. This Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. § 1332 of the Class Action Fairness Act of 2005 because: (i) there are 100 or more class members,

(ii) there is an aggregate amount in controversy exceeding \$5,000,000, exclusive of interest and costs, and (iii) there is minimal diversity because at least one plaintiff and one defendant are citizens of different states. This Court has supplemental jurisdiction over the state law claims pursuant to 28 U.S.C. § 1337.

13. Venue is proper in this judicial district pursuant to 28 U.S.C. § 1331 because a Volkswagen Group of America, Inc. is incorporated in New Jersey, a substantial part of the events or omissions giving rise to the claim occurred in this district, Plaintiff Ivy Villalta resides in this district, Volkswagen has advertised in this district, and Volkswagen has received substantial revenue and profits from its sales and/or leasing of Class Vehicles in this district. Volkswagen Group of America, Inc. also maintains the following offices and/or facilities in New Jersey: the “VW/Audi VCI Eastern Region” in Woodcliff, New Jersey; the “VW/Audi Test Center” in Allendale, New Jersey; the “Product Liaison Office” in Fort Lee, New Jersey; and the “Parts/Region Distribution Center” in Cranbury, New Jersey.

14. This Court has personal jurisdiction over Volkswagen because it is incorporated under the laws of New Jersey and has conducted substantial business in this judicial district, and intentionally and purposefully placed Class Vehicles into the stream of commerce within the state of New Jersey, as well as throughout the United States.

### **THE PARTIES**

#### **Plaintiffs Kate Conroy and Noreen Conroy**

15. Plaintiffs Kate Conroy and Noreen Conroy are citizens of the State of Florida and currently reside in Naples, Florida.

16. On or around January 25, 2019, Plaintiff Noreen Conroy leased a new 2019 Volkswagen Tiguan with automatic transmission from Volkswagen of Naples, an authorized

Volkswagen dealership located in Naples, Florida. The Class Vehicle bears Vehicle Identification Number 3VV3B7AXXKM066410. Noreen leased the Class Vehicle for Kate to use as her primary vehicle, and Kate makes the monthly lease payments.

17. Prior to leasing their Class Vehicle, Plaintiff Kate Conroy viewed Volkswagen marketing materials concerning the Class Vehicle online, viewed the Monroney sticker on the vehicle, and spoke with Volkswagen sales representatives concerning the vehicle's features. Neither Defendants nor their agents, dealers, or other representatives disclosed the Defect to Plaintiffs Kate or Noreen Conroy prior to or after the time of lease.

18. Within approximately one week of taking delivery of her Class Vehicle, Plaintiff Kate Conroy ("Plaintiff Conroy" or "Plaintiff" for the remainder of this section) performed a U-turn and her Class Vehicle stalled as she slowed down into the turn.

19. On or about February 25, 2019, Plaintiff brought her Class Vehicle to Volkswagen of Naples. Volkswagen of Naples performed a "computer analysis" on Plaintiff Conroy's vehicle and advised her that her Class Vehicle was "operating properly as designed."

20. Plaintiff's Class Vehicle, however, continued to regularly stall as she slowed down to approach traffic lights. After each stalling event, her Class Vehicle was not responsive, and she was required to restart the vehicle.

21. On or about March 1, 2019, Plaintiff Conroy's vehicle stalled again while she was making a U-turn. Plaintiff called Volkswagen Customer Care to complain about the engine stalling. Volkswagen Customer Care offered Plaintiff Conroy a credit of \$5,000 toward the lease of a new Audi vehicle.

22. Plaintiff Conroy felt her Class Vehicle was unsafe and returned to Volkswagen of Naples to use the \$5,000 credit. Plaintiff Conroy, however, was informed that the dealership

would not honor the \$5,000 credit. Plaintiff Conroy surrendered her 2019 Volkswagen Tiguan to Volkswagen of Naples on or about March 5, 2019, with about 35 months remaining on the lease, incurring an early termination fee of approximately \$3,200 and the loss of the \$2,490 deposit that she had paid to Volkswagen of Naples.

23. On or about February 28, 2019, Plaintiff Conroy contacted Volkswagen Customer Care to complain about the engine stalling in her vehicle.

24. On or about March 1, 2019, Plaintiff Conroy submitted a complaint about the engine stalling in her vehicle to the National Highway Traffic Safety Administration.

25. On or about March 6, 2019, Plaintiff Conroy submitted a written complaint about the engine stalling in her vehicle to the Florida Division of Motorist Services.

26. On or about March 9, 2019, Plaintiff Conroy submitted a letter to her United States Senator about the engine stalling in her vehicle.

27. On or about March 13, 2019, Plaintiff Conroy submitted a written complaint about the engine stalling in her vehicle to the Florida Attorney General's Office.

28. Plaintiffs Kate and Noreen Conroy have suffered an ascertainable loss as a result of Defendants' omissions and/or misrepresentations associated with the Engine Stalling Defect, including, but not limited to, out-of-pocket loss associated with the Engine Stalling Defect, lease termination fees, and diminished value of their vehicle.

29. Neither Defendant, nor its agents, dealers or other representatives informed Plaintiffs Kate or Noreen Conroy of the existence of the Engine Stalling Defect prior to purchase.

30. Plaintiffs Kate and Noreen Conroy would not have purchased the Class Vehicle, or would have paid substantially less for it, had Defendants disclosed the Engine Stalling Defect

prior to sale.

**Plaintiff Gerald Precourt**

31. Plaintiff Gerald Precourt is a citizen of the State of New York, and currently resides in Blossvale, New York.

32. On or about March 30, 2018, Plaintiff Precourt leased a new 2018 Volkswagen Tiguan (2.0L) automatic transmission vehicle from Romano Volkswagen, an authorized Volkswagen dealership located in Fayetteville, New York.

33. Plaintiff Precourt's vehicle bears Vehicle Identification Number 3VV2B7AX7JM112723.

34. Prior to leasing his Class Vehicle, Plaintiff viewed Volkswagen marketing materials concerning the Class Vehicle, including Volkswagen television commercials and online advertising, viewed the Monroney sticker on the vehicle, and spoke with Volkswagen sales representatives concerning the vehicle's features. Neither Defendants nor their agents, dealers, or other representatives disclosed the Defect to Plaintiff prior to or after the time of lease

35. On approximately 100 occasions since Plaintiff Precourt leased his 2018 Volkswagen Tiguan, it has stalled as he slowed down when nearing a traffic light or stop.

36. Each time that Plaintiff Precourt's vehicle stalls, he waits a few seconds and it restarts on its own before he is able to resume his drive.

37. On or about June 11, 2018, Plaintiff Precourt brought his vehicle to Romano Volkswagen and indicated to the dealership that it had been stalling. Romano Volkswagen requested that Plaintiff Precourt leave his Volkswagen Tiguan at the dealership overnight, which he did. When Plaintiff Precourt retrieved his vehicle the following day, he noticed that it had 180 additional miles on it, but the dealership had not identified any problems with it and advised him

that the stalling he described was “not a known problem.”

38. As a result of the Volkswagen dealership’s advice that his vehicle had no problems, he continued to drive it with the ongoing stalling defect until he took it into the dealership for a routine oil change on or about September 20, 2019.

39. At the September 20, 2019 service visit, Plaintiff Precourt told a technician at the dealership about the stalling that he had been experiencing with his vehicle, and was advised to add high-octane fuel to his vehicle to attempt to address the problem.

40. Plaintiff Precourt has filled up his vehicle with high-octane fuel on at least ten occasions, but the stalling persists.

41. To date, Plaintiff Precourt continues to experience engine stalling with his 2018 Volkswagen Tiguan on a regular basis.

42. Plaintiff Precourt has suffered an ascertainable loss as a result of Defendant’s omissions and/or misrepresentations associated with the Engine Stalling Defect, including, but not limited to, out-of-pocket loss associated with the Engine Stalling Defect, future attempted repairs, and diminished value of his vehicle.

43. Neither Defendant, nor its agents, dealers or other representatives informed Plaintiff of the existence of the Engine Stalling Defect prior to his lease.

44. Plaintiff Precourt would not have leased his Class Vehicle, or would have paid substantially less for it, had Defendant disclosed the Engine Stalling Defect prior to sale.

#### **Plaintiff Jun Pidlaoan**

45. Plaintiff Jun Pidlaoan is a citizen of the State of California, and currently resides in Vallejo, California.

46. On or about June 20, 2020, Plaintiff Pidlaoan leased a new 2019 Volkswagen

Jetta GLI (2.0L) standard transmission vehicle from Team Volkswagen of Hayward, an authorized Volkswagen dealership located in Hayward, California.

47. Plaintiff Pidlaoan's vehicle bears Vehicle Identification Number 3VW5T7BU6KM140492.

48. Prior to leasing his Class Vehicle, Plaintiff viewed Volkswagen marketing materials concerning the Class Vehicle, including online advertising, viewed the Monroney sticker on the vehicle, and spoke with Volkswagen sales representatives concerning the vehicle's features. Neither Defendants nor their agents, dealers, or other representatives disclosed the Defect to Plaintiff prior to or after the time of lease.

49. On at least three occasions since Plaintiff Pidlaoan leased his 2019 Volkswagen Jetta, it stalled as he slowed down when nearing a traffic light or stop sign. The stalling occurred on or about the following dates: June 27, 2020, August 2, 2020, and August 15, 2020.

50. Each time that Plaintiff Pidlaoan's vehicle stalls, he needs to turn off the engine completely and restart it before resuming his drive.

51. Plaintiff Pidlaoan is concerned that the stalling of his VW Jetta may make it unsafe to drive, so he contacted Team Volkswagen of Hayward for advice by phone on or about August 4, 2020.

52. When Plaintiff Pidlaoan contacted Team Volkswagen of Hayward, he was advised that he "need[ed] to adjust" to the vehicle, and that driving a standard transmission vehicle is "different," implying that he does not know how to drive a manual vehicle.

53. However, Plaintiff Pidlaoan's 2019 Volkswagen Jetta is the third standard transmission vehicle that he has owned or leased, and he has been driving manual vehicles for approximately 30 years.

54. Plaintiff Pidlaoan has asked Team Volkswagen of Hayward specifically about having the stalling in his vehicle examined under the warranty that is still in effect, but was advised that he would be charged unless the dealership “found something wrong with it.

55. Plaintiff Pidlaoan is concerned that Team Volkswagen of Hayward will advise him that nothing is wrong with his vehicle so that he will have to pay a service charge, and thus has not yet presented it for examination.

56. To date, Plaintiff Pidlaoan continues to experience engine stalling with his 2019 Volkswagen Jetta on a regular basis.

57. Plaintiff Pidlaoan has suffered an ascertainable loss as a result of Defendants’ omissions and/or misrepresentations associated with the Engine Stalling Defect, including, but not limited to, out-of-pocket loss associated with the Engine Stalling Defect, future attempted repairs, and diminished value of his vehicle.

58. Neither Defendant, nor its agents, dealers or other representatives informed Plaintiff of the existence of the Engine Stalling Defect prior to his lease.

59. Plaintiff Pidlaoan would not have leased his Class Vehicle, or would have paid substantially less for it, had Defendants disclosed the Engine Stalling Defect prior to sale.

#### **Plaintiff Nathaniel Bivens**

60. Plaintiff Nathaniel Bivens is a citizen of the State of Ohio, and currently resides in Williamsport, Ohio.

61. On or about September 27, 2019, Plaintiff Bivens purchased a new 2019 Volkswagen Jetta GLI (2.0T) Autobahn standard transmission vehicle from Volkswagen Clarksburg in Clarksburg, WV.

62. Plaintiff Bivens’ vehicle bears Vehicle Identification Number

3VW5T7BU0KM224422.

63. Prior to purchasing his Class Vehicle, Plaintiff viewed Volkswagen marketing materials concerning the Class Vehicle, online advertising, viewed the Monroney sticker on the vehicle, and spoke with Volkswagen sales representatives concerning the vehicle's features. Neither Defendants nor their agents, dealers, or other representatives disclosed the Defect to Plaintiff prior to or after the time of purchase.

64. On multiple occasions since Plaintiff Bivens purchased his 2019 Volkswagen Jetta, it stalled as he slowed down when nearing a traffic light or stop sign. The first discrete occurrence Plaintiff recalls was in early to mid-June 2020. Additionally, Plaintiff Bivens specifically recalls that he experienced a stalling event on July 20, 2020.

65. Each time that Plaintiff Bivens' vehicle stalls, he needs to turn off the engine completely and restart it before resuming his drive.

66. Plaintiff Bivens is concerned that the stalling of his VW Jetta makes it unsafe to drive, so he brought his vehicle into Byers Volkswagen in Columbus, Ohio for analysis and repair on or about July 22, 2020 following the stalling event on July 20, 2020.

67. The service advisor at Byers Volkswagen essentially blamed Plaintiff for the issues with his vehicle and told him that clutch replacement would not be covered under his warranty. He was presented with a repair estimate of \$4,673.32. At the time the vehicle was only 10 months old with just 18,355 miles on the odometer. Plaintiff Bivens emailed and called VW's national customer service, but VW declined to repair his vehicle under warranty. Plaintiff was informed that he did not know how to drive the vehicle properly.

68. However, Plaintiff Bivens' 2019 Volkswagen Jetta is the third standard transmission Jetta and his fourth standard transmission VW vehicle that he has owned. Having

grown up in a farming community, Plaintiff is very familiar with standard transmission vehicles and is a skilled and experienced driver with more than 20 years of manual transmission driving under his belt. At just 16 years old, Plaintiff started out driving his father's VW Rabbit Diesel and until this experience was an extremely loyal VW customer.

69. To date, Plaintiff Bivens continues to experience engine stalling with his 2019 Volkswagen Jetta, despite efforts to stop using the vehicle as the result of the safety concerns posed by the Engine Stalling Defect.

70. Plaintiff Bivens has suffered an ascertainable loss as a result of Defendants' omissions and/or misrepresentations associated with the Engine Stalling Defect, including, but not limited to, out-of-pocket loss associated with the Engine Stalling Defect, future attempted repairs, and diminished value of his vehicle.

71. Neither Defendant, nor its agents, dealers or other representatives informed Plaintiff of the existence of the Engine Stalling Defect prior to his purchase.

72. Plaintiff Bivens would not have purchased his Class Vehicle, or would have paid substantially less for it, had Defendants disclosed the Engine Stalling Defect prior to sale.

#### **Plaintiff Ivy Villalta**

73. Plaintiff Ivy Villalta is a citizen of the State of New Jersey, and currently resides in Pompton Lakes.

74. In or about September 2019 Plaintiff Villalta leased a new 2019 Volkswagen Tiguan (2.0L) automatic transmission vehicle from Paul Miller Volkswagen, an authorized Volkswagen dealership located in Bernardsville, New Jersey.

75. Plaintiff Villalta's vehicle bears Vehicle Identification Number 3VV2B7AX4KM115967.

76. Prior to leasing her Class Vehicle, Plaintiff viewed Volkswagen marketing materials concerning the Class Vehicle, including viewing Volkswagen television commercials, viewing the Monroney sticker on the vehicle, and speaking with Volkswagen sales representatives concerning the vehicle's features. Neither Defendants nor their agents, dealers, or other representatives disclosed the Defect to Plaintiff prior to or after the time of lease.

77. On approximately 20 to 30 occasions since Plaintiff Villalta leased her 2019 Volkswagen Tiguan, it has stalled as she slowed down when nearing a traffic light or stop.

78. Each time that Plaintiff Villalta's vehicle stalls, she waits a few seconds and it restarts on its own before she is able to resume her drive.

79. In or around June of 2020, Plaintiff Villalta brought her vehicle to Crestmont Volkswagen in Pompton Plains, New Jersey and indicated to the dealership that it had been stalling. Volkswagen requested that Plaintiff Villalta leave her Volkswagen Tiguan at the dealership overnight, which she did. When Plaintiff Villalta retrieved her vehicle after several days, she was advised that they drove it for many miles but they could not reconstruct the issue.

80. Plaintiff brought her vehicle to Crestmont Volkswagen in Pompton Plains, New Jersey approximately two additional times, in July of 2020 and September of 2020. Each time, when she retrieved her vehicle, she was advised that they had driven it for many miles but they could not reconstruct the issue. However, the most recent time she took her vehicle to the dealership, she was advised that there was an emissions recall and a software update needed, and that those repairs should resolve the issue. She had the recommended repairs performed but they did not resolve the issue.

81. To date, Plaintiff Villalta continues to experience engine stalling with her 2019 Volkswagen Tiguan on a regular basis.

82. Plaintiff Villalta has suffered an ascertainable loss as a result of Defendant's omissions and/or misrepresentations associated with the Engine Stalling Defect, including, but not limited to, out-of-pocket loss associated with the Engine Stalling Defect, future attempted repairs, and diminished value of her vehicle.

83. Neither Defendant, nor its agents, dealers or other representatives informed Plaintiff of the existence of the Engine Stalling Defect prior to her lease.

84. Plaintiff Villalta would not have leased her Class Vehicle, or would have paid substantially less for it, had Defendant disclosed the Engine Stalling Defect prior to sale.

### **The Defendant**

85. Defendant Volkswagen Group of America, Inc. ("Volkswagen USA") is a New Jersey corporation with its principal place of business located at 2200 Ferdinand Porsche Drive, Herndon, Virginia 20171.

86. Defendant Volkswagen USA is a "wholly owned subsidiary of Volkswagen AG, one of the world's leading automobile manufacturers and the largest carmaker in Europe."<sup>2</sup>

87. Volkswagen AG is headquartered in Wolfsburg, Germany.

88. Volkswagen manufactures, distributes, markets, services, repairs, sells and leases passenger vehicles, including the Class Vehicles.

89. There exists, and at all relevant times existed, a unity of ownership between Volkswagen USA, Volkswagen AG, and their agents such that any individuality or separateness between them has ceased and each of them is the alter ego of the others.

90. Volkswagen USA communicates with Volkswagen AG concerning virtually all aspects of the Volkswagen products Volkswagen USA distributes, sells, warrants and services

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<sup>2</sup> <http://www.volkswagengroupofamerica.com/about> (last visited September 25, 2020).

within the United States, including appropriate repairs for defects and whether Volkswagen will repair defective parts and assemblies.

91. At all times material to this Complaint, Volkswagen has advertised, marketed, offered for sale, sold, offered for lease, leased, and distributed motor vehicles to consumers in throughout the United States, including the Class Vehicles.

92. Volkswagen AG and Volkswagen of America jointly develop sales and marketing materials, advertisements, owner's manuals, warranty booklets, and maintenance recommendations and schedules for the Class Vehicles. Upon information and belief, the design, manufacture, distribution, service, repair, modification, installation and decisions regarding the Class Vehicles were performed exclusively by Volkswagen.

93. Volkswagen AG and Volkswagen USA also jointly design, determine the substance of, and affix to Volkswagen vehicles the window stickers visible on every new Volkswagen vehicle offered for sale at their authorized dealerships. Volkswagen controls the content of these "Monroney" stickers—its authorized dealerships have no input with respect to their content. Vehicle manufacturers like Volkswagen are legally required to affix a window sticker to every vehicle offered for sale in the United States pursuant to the Automobile Information Disclosure Act of 1958, 15 U.S.C. § 1231 *et seq.*, which, among other things, prohibits the removal or alteration of the sticker by anyone other than the ultimate purchaser prior to the sale of the car, including the dealership at which the vehicle is offered for sale.

94. Volkswagen engages in continuous and substantial business in New Jersey as well as throughout the United States.

#### **TOLLING OF STATUTES OF LIMITATION**

95. Any applicable statute(s) of limitations has been tolled by Volkswagen's knowing

and active concealment and denial of the facts alleged herein. Plaintiffs and members of the Class could not have reasonably discovered the true, latent defective nature of the Engine Stalling Defect until shortly before this class action litigation was commenced.

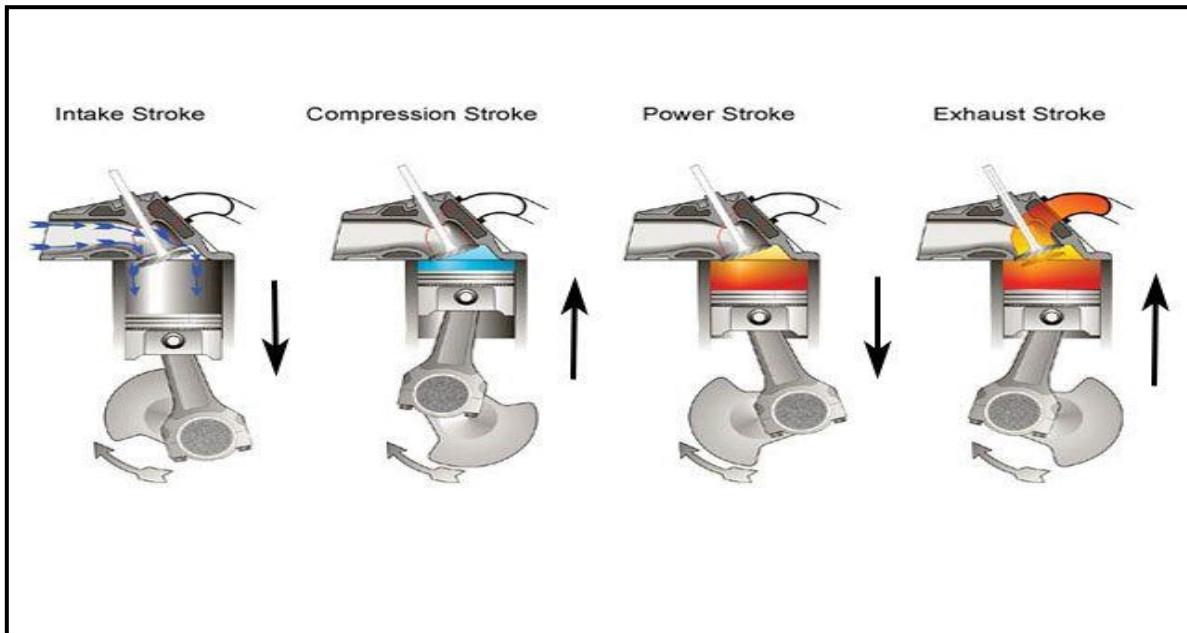
96. Volkswagen was and remains under a continuing duty to disclose to Plaintiffs and members of the Class the true character, quality and nature of the Class Vehicles, that the Engine Stalling Defect is a safety related defect, and that it diminishes the resale value of the Class Vehicles. As a result of the active concealment by Volkswagen, any and all applicable statutes of limitations otherwise applicable to the allegations herein have been tolled.

### **FACTUAL ALLEGATIONS**

#### **A. The Engine Stalling Defect**

97. The engines contained in the Class Vehicles use four reciprocating pistons to convert pressure into a rotating motion. Gasoline is mixed with air in the combustion chambers of the engine. To generate such rotating motion, a four-step sequence is used (the “Combustion Cycle”).

98. First, the intake stroke begins with the inlet valve opening, by way of the intake camshafts, and a vaporized fuel mixture is pulled into the combustion chamber. Second, the compression stroke begins with the inlet valve closing, again through the intake camshafts, and the piston beginning its movement upward, compressing the fuel mixture in the combustion chamber. Third, the power stroke begins when the spark plug ignites the fuel mixture, expanding the gases and generating power that is transmitted to the crankshaft. And, fourth, the exhaust stroke begins with the exhaust valve opening and the piston moving back up, forcing the exhaust gases out of the cylinder. The exhaust valve then closes, the inlet valve opens, and the Combustion Cycle repeats itself. A diagram depicting the Combustion Cycle appears below:



99. The pistons are connected to the crankshaft via the connecting rod. As the connecting rod moves up and down during the Combustion Cycle, this causes the crankshaft to rotate, ultimately resulting in power to the drive wheels of the vehicle. During this cycle, the crankshaft rotates many thousands of times per minute within each connecting rod.

100. The Combustion Cycle is a complex process that requires precise timing of the many components involved. For example, the valves must be opened and closed at the exactly correct times and the spark plugs must ignite the fuel mixture to create the power stroke.

101. In an attempt to keep all of the engine components moving in harmony during the Combustion Cycle, Defendants utilize a variable valve timing system.

102. According to Defendants, “*the key feature that enables the new engine to produce better fuel economy, as well as excellent performance, is the variable valve timing system on the intake camshaft. Depending on engine load, it is possible to switch between short and long valve opening. At idling speed and under partial load, the valve opening is shorter. When the engine is*

*placed under greater load, a switch to the camshaft lobe that opens the valve for a longer period is made and the driver can make use of the full power and torque of the engine.”<sup>3</sup>*

103. The variable valve timing system in the Class Vehicles incorporates the use of solenoids to precisely control the flow of oil into the camshaft actuator. In turn, the solenoids are able to change the rotation of the camshaft to adjust valve timing and valve overlap while the vehicle is being operated. One of the advantages of this system can be better performance and fuel economy.

104. The solenoids are typically in an “off” position when the engine is off and immediately after it has started. Once oil pressure builds within the engine, the powertrain control module adjusts the camshaft timing via the actuator solenoid depending on variables such as engine speed, throttle position, manifold pressure, engine load, barometric pressure and the position of the camshaft.

105. The Class Vehicles contain a manufacturing defect that results in the inability of the actuator solenoids to accurately correct and adjust the timing of the camshafts as required to carry out the Combustion Cycle. As a result, the Combustion Cycle cannot be completed, and the Class Vehicles suddenly and unexpectedly stall while being operated.

## B. Volkswagen’s Knowledge of the Engine Stalling Defect

106. Upon information and belief, Volkswagen, through: (1) its own records of customers’ complaints, (2) dealership repair records, (3) records from the National Highway Traffic Safety Administration (NHTSA), (4) warranty and post-warranty claims, (5) internal pre-sale durability testing and TSBs, and (6) other various sources, is and was well aware of the Engine Stalling Defect but failed to notify customers of the nature and extent of the problems

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<sup>3</sup> <https://media.vw.com/releases/889> (last visited September 25, 2020).

with Class Vehicles or to provide any adequate remedy.

107. Volkswagen failed to adequately research, design, test and/or manufacture the Class Vehicles before warranting, advertising, promoting, marketing, and selling them as suitable and safe for use in an intended and/or reasonably foreseeable manner.

108. Volkswagen is experienced in the design and manufacture of consumer vehicles. As an experienced manufacturer, Volkswagen conducts tests, including pre-sale durability testing, on incoming components, to verify that the parts and features are free from defect and align with Volkswagen's specifications.

109. Volkswagen touts its quality efforts to investors:

Every day, we actively assume and exercise responsibility in relation to the environment, safety and society, and we aim to be a role model in these areas. Integrity, reliability, quality and passion thus form the basis for our work. Using this approach, we aim for technological leadership in the industry and competitive profitability while also striving to be an excellent employer.<sup>4</sup>

110. Volkswagen further tells investors about its Together 2025+ Strategy as part of its quality control efforts:

Delivering outstanding quality and reliable mobility to customers worldwide is the strategic objective of the Quality Assurance department. As the “voice of the customer” the principle of dual control is relied on in critical company processes; products that are superior to those of the competition are developed within budget requirements. The department’s commitment to quality runs the gamut of current and future mobility solutions – vehicles as well as services. Last but not least, all markets will pay close attention to differing regional needs to make a substantial contribution to the Volkswagen Group’s sustainable growth.<sup>5</sup>

111. Through its quality control measures, Volkswagen knew or should have known that the Class Vehicles were prone to the Engine Stalling Defect.

### C. **Volkswagen's Warranties on the Class Vehicles**

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<sup>4</sup> <https://annualreport2019.volkswagenag.com/servicepages/filelibrary/files/collection.php> at p.51 (last visited September 25, 2020).

<sup>5</sup> <https://www.volkswagenag.com/en/group/strategy.html> (last visited September 25, 2020).

112. Volkswagen expressly warranted the Class Vehicles to be free from defects for a period of six (6) years or 72,000 miles under the New Vehicle Limited Warranty.<sup>6</sup> The New Vehicle Limited Warranty obligates Defendants to correct to the Engine Stalling Defect.

113. Volkswagen has evaded its warranty obligations by failing to tell consumers that their vehicles are defective and by blaming the manifestation of the Engine Stalling Defect on driver error. This representation, however, is false as the engine is inherently defective.

114. In many instances, consumers have incurred and will continue to incur expenses for the diagnosis of the defect (despite such defect having been contained in the Class Vehicles when manufactured by Defendants) and repair and replacement of the damaged engine components, without addressing the underlying defect.

115. Furthermore, a number of class members who presented their Class Vehicles to Defendants' dealerships with the Engine Stalling Defect were denied warranty repairs and, instead, were informed that nothing was wrong with their vehicles. As a result, after expiration of the warranty period, class members are forced to pay costly repairs to remedy the defect.

116. Buyers, lessees, and other owners of the affected Vehicles were without access to the information concealed by Volkswagen as described herein, and therefore reasonably relied on Volkswagen's representations and warranties regarding the quality, durability, and other material characteristics of the Class Vehicles. Had Plaintiffs and the class known of the Engine Stalling Defect and the potential harm, they would have paid less for the Class Vehicles or would not have purchased the Class Vehicles.

#### **D. Complaints by Other Class Members**

117. Plaintiffs' experiences are by no means isolated or outlying occurrences. Indeed,

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<sup>6</sup> <https://www.vw.com/content/vwcom/en/warranty.html> (last visited September 25, 2020).

the internet is replete with examples of blogs and other websites where consumers have complained of the exact same Engine Stalling Defect in the Class Vehicles.<sup>7</sup>

118. Class Vehicle owners and lessees have publicly complained to the United States government about the Engine Stalling Defect in Class Vehicles since the vehicles were released. The Office of Defects Investigation (“ODI”) is an office within the National Highway Traffic Safety Administration (“NHTSA”). ODI conducts defect investigations and administers safety recalls to support the NHTSA’s mission to improve safety on the Nation’s highways.<sup>8</sup> All automobile manufacturers routinely monitor and analyze NHTSA complaints because this information is used in determining if a recall should be issued.

119. NHTSA’s Office of Defects Investigation opened an investigation into the Engine Stalling Defect in the Class Vehicles in September of 2019. *See Exhibit A.*

120. The letter notifying Defendants of the Investigation states that NHTSA had received 157 complaints from consumers alleging engine stalling, with the complaint that initiated NHTSA’s investigation alleging that “the manual transmission equipped Volkswagen . . . vehicles stall repeatedly throughout a drive cycle requiring repeated restarts.”

121. The following is just a small sampling of the many complaints submitted to ODI by Volkswagen GTI, Jetta, Tiguan and Passat owners. These publicly available complaints, submitted as early as 2016, evidence Volkswagen’s prior knowledge of the Engine Stalling Defect, the negative experiences encountered by Class Members, and the financial burden this places on them.

### **2019 GTI**

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<sup>7</sup> See, e.g., <https://www.golfmk7.com/forums/index.php?threads/2019-gti-6mt-stalling-issue.363310/> (last visited September 25, 2020); <https://www.carproblemzoo.com/volkswagen/tiguan/car-stall-problems.php> (last visited September 25, 2020).

<sup>8</sup> See <https://www-odi.nhtsa.dot.gov/recalls/recallprocess.cfm> (last visited September 25, 2020). Indeed, automobile manufacturers are required by law to report any potential safety defects to the United States government.

**NHTSA ID Number:** 11193831

**Complaint Date:** April 4, 2019

**Incident Date** March 30, 2019

**Consumer Location** SAVANNAH, GA

**Vehicle Identification Number** 3VW5T7AU3KM\*\*\*\*

**Summary of Complaint**

ENGINE SHUTS OFF/STALLS WHEN BRAKING TO A STOP IN A 6MT URANO GREY GOLF GTI RABBIT EDITION. ON DOZENS OF OCCASIONS AT THIS POINT, WITH NO CHECK ENGINE LIGHT OR ENGINE CODES BEING DROPPED. I WILL BE IN NEUTRAL OR WITH THE CLUTCH FULLY ENGAGED, USUALLY COMING TO A STOP BUT HAS ALSO HAPPENED WHEN ROLLING SLOWLY, AND THE CAR WILL STALL OUT. IT HAS BEEN SO GENTLE THAT I DON'T EVEN NOTICE UNTIL I PRESS THE GAS AND START MOVING AND NOTHING HAPPENS.

IT HAS OCCURRED DURING HEAVY BRAKING AND LIGHT BRAKING, USUALLY AFTER A LONGER DRIVE. TENDS TO OCCUR IN BURSTS, I'VE GONE TWO WEEKS WITH NO INCIDENTS AND THEN ON A SINGLE DRIVE (AFTER ABOUT 3 HOURS ON THE HIGHWAY) IT WILL OCCUR MULTIPLE TIMES IN RAPID SUCCESSION, BUT WON'T BE CONSISTENT. I AM NOT STALLING THE CAR BY HAVING THE CLUTCH PARTIALLY ENGAGED OR ANYTHING, I WILL BE IN FULL NEUTRAL OR WITH THE CLUTCH TO THE FLOOR AND FOOT OFF THE GAS.

I HAVE HAD THE ISSUE WHEN SLOWING TO AN INTERSECTION PREPARING FOR A TURN, OR WHEN BRAKING TO A STOP TRAVELING STRAIGHT. HAVE ALSO HAD THE ISSUE WHEN SLOWING DOWN FROM HIGHWAY SPEEDS AND STOP-AND-GO TRAFFIC SPEEDS. ITS VERY DIFFICULT TO PIN DOWN, WITH THE EXCEPTION OF USUALLY AFTER EXTENSIVE DRIVING, HAVEN'T HAD IT HAPPEN AFTER A <10 MIN DRIVE YET THAT I CAN REMEMBER.

CURRENTLY BEING ENCOUNTERED BY SEVERAL OTHER OWNERS, AND WE'RE TRYING TO CONSOLIDATE WHAT WE KNOW:

[HTTPS://WWW.REDDIT.COM/R/GOLFGTI/COMMENTS/B9CPB7/POSSIBLE\\_2019\\_6MT\\_STALL\\_ISSUE\\_YOUR\\_FEEDBACK/](https://www.reddit.com/r/golfgti/comments/b9cpb7/possible_2019_6mt_stall_issue_your_feedback/)

[HTTPS://WWW.GOLFMK7.COM/FORUMS/SHOWTHREAD.PHP?P=776852#POST776852](https://www.golfmk7.com/forums/showthread.php?p=776852#post776852)

[HTTPS://WWW.REDDIT.COM/R/GOLFGTI/COMMENTS/AMH7H0/GOLF\\_GTI\\_MK75\\_STALLING\\_COMING\\_TO\\_STOP\\_WITH\\_CLUTCH/](https://www.reddit.com/r/golfgti/comments/amh7h0/golf_gti_mk75_stalling_coming_to_stop_with_clutch/)

THE LATEST TIMES IN ATL TRAFFIC WHEN I WAS PREPARING TO MERGE FROM A STOP INTO TRAFFIC AND IT STALLED OUT WHILE MOVING SLOWLY, ITS GETTING DANGEROUS TO LOSE POWER WHEN YOU'RE IN TRAFFIC AND NEEDING IT.

**NHTSA ID Number:** 11193967

**Complaint Date April 4, 2019**

**Incident Date March 16, 2019**

**Consumer Location IRVINE, CA**

**Vehicle Identification Number 3VW5T7AU2KM\*\*\*\***

**Summary of Complaint**

THE CAR WILL STALL WHEN SLOWING DOWN TO A STOP IN NEUTRAL, THEN WILL REQUIRE RESTARTING. PROBLEM IS MORE PERSISTENT IN WARMER TEMPERATURE AND ALSO WHEN THE OIL TEMPERATURE IS ABOVE 220 DEGREES. HOWEVER DOES NOT CAUSE CEL OR THROW ANY CODES. I AM CONCERNED ABOUT MY SAFETY OPERATING THE VEHICLE IN THIS CONDITION BECAUSE I CONSTANTLY HAVE TO RESTART THE CAR WHICH CAN PUT ME IN VERY DANGEROUS SITUATION.

**NHTSA ID Number: 11194331**

**Complaint Date: April 6, 2019**

**Incident Date April 6, 2019**

**Consumer Location MILTON, GA**

**Vehicle Identification Number 3VW5T7AU3KM\*\*\*\***

I PURCHASED A 2019 GTI S ON MARCH 30TH 2019 AND IN ONE WEEK'S TIME I STALLED OUT 7 TIMES. 3 OF THOSE 7 TIMES WERE WHEN I WAS AT A COMPLETE STOP, IN NEUTRAL WITH MY FOOT ON THE BRAKE ONLY (NOT ON THE CLUTCH). THE OTHER 4 TIMES WERE IN 2ND GEAR AT LOW SPEEDS BETWEEN 8 AND 10 MPH WHEN I WAS EITHER PULLING INTO A DRIVEWAY OR GOING OVER A LONG BUT LOW AND NOT AGGRESSIVE SPEED BUMP. THE STALL WOULD HAPPEN WHEN I WOULD DEPRESS THE CLUTCH, NOT ON THE RELEASE.

**NHTSA ID Number: 11194472**

**Complaint Date Aril 7, 2019**

**Incident Date March 6, 2019**

**Consumer Location OCEANSIDE, CA**

**Vehicle Identification Number 3VW5T7AU3KM\*\*\*\***

**Summary of Complaint**

I HAVE THE 6-SPEED MANUAL TRANSMISSION. WHILE COMMUTING HOME ON SURFACE STREETS AND STOPPED AT A STOPLIGHT WITH THE CAR IN NEUTRAL AND THE CLUTCH OUT, THE CAR RANDOMLY STALLS. THIS ONLY HAS HAPPENED WHILE IDLING AT A STOPLIGHT/STOP SIGN. I HAVE PLENTY OF GAS AND NO CEL COMES UP. THE ENGINE IS WARM. IT HAPPENS WITHIN 1-2 SECONDS AFTER COMING TO A COMPLETE STOP WITH THE CAR IN NEUTRAL. IT HAS HAPPENED MANY TIMES BUT THEN EASILY STARTS AGAIN. IT'S A VERY GENTLE STALL AND ALMOST FEELS LIKE THE CAR HAS AUTO STOP/START, WHICH MY CAR DOES NOT. FORTUNATELY, THE DEALERSHIP WAS ABLE TO RECREATE THE STALLING. THEY EVEN CONTACTED AND WORKED WITH VWOA BUT WERE NOT ABLE TO DETERMINE EXACTLY WHAT THE PROBLEM WAS. THEY HAD THE CAR FOR CLOSE TO 2 WEEKS TRIED SEVERAL DIFFERENT FIXES, BUT NONE WORKED. SO WHEN ALL ELSE FAILS, THEY DID A "CAPACITIVE HARD REBOOT" OF THE SYSTEM AND EVERYTHING SEEMED TO BE FIXED. HOWEVER, AFTER I PICKED

THE CAR UP FROM THE DEALERSHIP, IT STALLED TWICE ON MY DRIVE HOME. NOW, IT'S BEEN A COUPLE OF WEEKS SINCE THEN AND IT HASN'T STALLED SINCE, BUT IT DOESN'T GIVE ME MUCH CONFIDENCE THAT IT WON'T RETURN IF THEY DON'T KNOW WHAT THE REBOOT DID.

**NHTSA ID Number:** 11194966

**Complaint Date April 9, 2019**

**Incident Date** April 6, 2019

**Consumer Location** SMITHTOWN, NY

**Vehicle Identification Number** 3VW5T7AU7KM\*\*\*\*

**Summary of Complaint**

MY CAR HAS ONLY 800 MILES ON IT. THE CAR IS EQUIPPED WITH A MANUAL TRANSMISSION AND NO AUTO STOP/START SYSTEM. WHEN SLOWING DOWN APPROACHING A RED LIGHT, I PUSH THE CLUTCH IN AND MOVE THE SHIFT LEVER TO NEUTRAL. DURING THE LAST 5MPH OR SO, THE CAR WILL QUIETLY STALL. I ONLY NOTICE IT STALLED WHEN I TRY TO GET MOVING AGAIN AND REALIZE I HAVE TO START THE CAR. THIS HAS HAPPENED FIVE TIMES IN THE PAST TWO WEEKS. I WANT TO NOTE THAT I HAVE FOUND REPORTS OF THE SAME EXACT ISSUE WITH OTHER 2019 VW GTI OWNERS ON SEVERAL CAR FORUMS. MANY OF THE OWNERS MENTION BRINGING THE CAR TO THE DEALER AND THE DEALER STATING THEY "CANNOT REPLICATE THE ISSUE." I'M RELUCTANT TO BRING IT TO THE DEALER AS THE ISSUE IS VERY DIFFICULT TO REPRODUCE AND SEEMS TO HAPPEN AT RANDOM. I ALSO CAN'T AFFORD TO BE WITHOUT MY CAR FOR A DAY OR TWO WHILE THEY ATTEMPT TO DIAGNOSE THE PROBLEM WITH NO RESULTS.

**NHTSA ID Number:** 11195009

**Complaint Date April 9, 2019**

**Incident Date** April 7, 2019

**Consumer Location** MEDINA, OH

**Vehicle Identification Number** 3VW5T7AU1KM\*\*\*\*

**Summary of Complaint**

I HAVE A 2019 GTI RABBIT EDITION WITH MANUAL TRANSMISSION. THE CAR WILL STALL OUT AT RANDOM TIMES WHILE COMING TO A ROLLING STOP WHILE THE CLUTCH PEDAL IS PRESSED ALL THE WAY DOWN. IT SEEMS TO HAPPEN ON A WARMED UP ENGINE. IT DOESN'T HAPPEN ALL THE TIME, BUT AT RANDOM TIMES WHEN I COME TO A ROLLING STOP. IT'S A VERY QUIET STALL AND SOMETIMES YOU DON'T EVEN REALIZE IT STALLED OUT.

**NHTSA ID Number:** 11195459

**Complaint Date** April 10, 2019

**Incident Date** April 8, 2019

**Consumer Location** NEW YORK, NY

**Vehicle Identification Number** 3VW5T7AU6KM\*\*\*\*

**Summary of Complaint**

WHILE DRIVING AT LOW SPEED THE ENGINE WILL STALL

**NHTSA ID Number:** 11195492

**Complaint Date April 10, 2019**

**Incident Date** April 1, 2019

**Consumer Location** SHERMAN OAKS, CA

**Vehicle Identification Number** 3VW5T7AU6KM\*\*\*\*

**Summary of Complaint**

CAR WILL SOFTLY STALL OUT WHEN I COME TO A STOP WITH THE CLUTCH FULLY DEPRESSED OR THE STICK OUT OF GEAR. STARTED HAPPENING WITH LESS THAN 200 MILES ON THE CAR. HAPPENED THREE SEPERATE OCCASIONS BEFORE 420 MILES. CAR WILL RESTART RIGHT AWAY IN EVERY INSTANCE EXCEPT FOR THE ONE RIGHT BEFORE 420 MILES. THAT INSTANCE THE CAR STALLED, I HIT THE START BUTTON, STARTED AGAIN, THEN STALLED IMMEDIATELY. STARTED AGAIN, STALLED AGAIN. STARTED AGAIN, STAYED IDLE AND I STARTED MOVING.

**NHTSA ID Number:** 11195547

**Complaint Date April 10, 2019**

**Incident Date** April 11, 2019

**Consumer Location** PHILADELPHIA, PA

**Vehicle Identification Number** 3VW5T7AU7KM\*\*\*\*

**Summary of Complaint**

THE CAR HAS 43 MILES ON IT AND IS STALLING WHEN COMING TO A STOP. IT'S STALLING WHEN STATIONARY IN NEUTRAL WITH THE CLUTCH DEPRESSED. IT'S ALSO STALLING IN GEAR WITH THE CLUTCH PRESSED (AT A STOP SIGN, CAR IN FIRST GEAR, FOOT ON CLUTCH, RPM'S DROP TO ZERO AND CAR QUIETLY JUST TURNS OFF). IT DOESN'T RUMBLE LIKE A NORMAL MOTOR STALL WOULD, IT JUST SHUTS OFF (LIKE AUTO ON/OFF WOULD ON A AUTOMATIC).

**NHTSA ID Number:** 11197189

**Complaint Date April 18, 2019**

**Incident Date** April 6, 2019

**Consumer Location** TEQUESTA, FL

**Vehicle Identification Number** 3VW5T7AUXKM\*\*\*\*

**Summary of Complaint**

WHITE 2019 RABBIT EDITION 6MT, BUILD DATE OF 10/18, PURCHASED 4/6/19. ISSUE BEGAN THE DAY OF PURCHASE WITH LESS THAN 100 MILES ON THE CAR. THE VEHICLE WILL FREQUENTLY STALL WHEN THE CLUTCH IS FULLY DEPRESSED SHORTLY BEFORE COMING TO A STOP. THE STALL IS UNCHARACTERISTIC OF OTHER STALLS DUE TO DRIVER ERROR, AS IT CAN BARELY BE FELT THROUGH THE CAR. THIS HAS HAPPENED WHEN THE CAR IS BOTH IN GEAR AND OUT OF GEAR WHILE THE CLUTCH IS DEPRESSED. ONCE THE CAR STALLS, IT MUST BE RESTARTED BY PRESSING THE IGNITION BUTTON AGAIN. AFTER THE ENGINE IS RESTARTED, THE CAR WILL RESUME NORMAL DRIVING OPERATION UNTIL IT STALLS WHILE COMING TO A STOP AGAIN. THE STALLING ONLY SEEMS TO OCCUR WHEN THE CAR IS AT OPERATING TEMPERATURE.

THE CAR HAS BEEN AT THE DEALER FOR DIAGNOSTICS TWICE, BOTH TIMES HAVING NO RESULTS. A VW TECH WAS ABLE TO REPLICATE THE ISSUE, BUT WAS UNABLE TO FIND ITS SOURCE.

**NHTSA ID Number:** 11203366

**Complaint Date April 24, 2019**

**Incident Date** March 31, 2019

**Consumer Location** SOUTH SAN FRANCISCO, CA

**Vehicle Identification Number** 3VW5T7AU2KM\*\*\*\*

**Summary of Complaint**

THE VEHICLE HAS STALLED ON MULTIPLE OCCASIONS. MOST OF THE OCCURRENCES HAVE BEEN WHEN COMING TO A STOP ON CITY STREETS. IT DOES NOT MATTER IF THE CLUTCH IS PRESSED ALL THE WAY IN, OR IF VEHICLE IS IN NEUTRAL. IT IS A VERY QUIET STALL, NO DASH LIGHTS COME ON, AND STEERING WHEEL LOCKS. THE VEHICLE HAS TO BE STARTED AGAIN, AS IF IT WAS NEVER RUNNING. IT IS UNKNOWN WHAT IS CAUSING THE ISSUE.

**NHTSA ID Number:** 11203470

**Complaint Date April 24, 2019**

**Incident Date** April 24, 2019

**Consumer Location** MEDFORD, OR

**Vehicle Identification Number** 3VW5T7AU4KM\*\*\*\*

**Summary of Complaint**

MY ENGINE KEEPS HAVING A SOFT STALL. I HAVE A MANUAL RABBIT UNDER 1K MILES. IT DOES THIS WHEN I COME TO A COMPLETE STOP. THIS IS THE SECOND ISSUE I HAVE WITH THE CAR ALREADY. THE FIRST WAS A SENSOR, WHICH WAS TAKEN CARE OF WITH EASE. NOW THIS ONE.

**NHTSA ID Number:** 11203843

**Complaint Date April 26, 2019**

**Incident Date** April 25, 2019

**Consumer Location** LAS VEGAS, NV

**Vehicle Identification Number** 3VW5T7AUXKM\*\*\*\*

**Summary of Complaint**

I AM CONCERNED WHEN COMING TO A STOP UNEXPECTEDLY MY CAR WILL START TO IDLE ROUGH AND THEN STALL. I'M CONCERNED IT WILL HAPPEN WHILE DRIVING AND THAT I COULD BE HIT. CURRENTLY IT HAPPENS AT LOW SPEED WHEN STOPPING AND I CANNOT KEEP THE CAR RUNNING WHEN I START IT UP AGAIN. I AM HAVING TO REV THE ENGINE TO KEEP IT RUNNING AND MOVE OFF THE ROAD. MY CAR HAS A MANUAL TRANSMISSION AND THE CLUTCH IS FULLY PRESSED DOWN WHEN THIS HAPPENS. I HAVE MORE THAN 3/4 TANK OF GAS WHEN THIS HAPPENED.

**NHTSA ID Number:** 11205318

**Complaint Date May 2, 2019**

**Incident Date** April 23, 2019

**Consumer Location** SEATTLE, WA

**Vehicle Identification Number** 3VW5T7AU2KM\*\*\*\*

**Summary of Complaint**

CAR SPORADICALLY STALLS AT STOP WHILE CLUTCH IS DEPRESSED. USUALLY IN 1ST GEAR BUT SOMETIMES NEUTRAL OR 2ND. I NOTICE IT MORE WHEN ENGINE SOUND IS SET TO SPORT MODE. USUALLY THE STALL IS SILENT, TWICE THE CAR SLIGHTLY SHUDDERED. DEALER HAS HAD IT FOR A WEEK WITH NO ABILITY TO PREDICTABLY RECREATE. NO CODES/FAULTS ARE THROWN, THUS NO DIAGNOSIS. CAR IS AT WARMED UP OPERATING TEMPERATURE WHEN STALLS OCCUR. STALLS ARE ALWAYS ON CITY STREETS ON A STRAIGHT PATH (I.E. TIRES ARE NOT IN A TURNED POSITION). PURCHASED CAR WITH 12 MILES ON IT, STALL OCCURRED 5 TIMES BETWEEN 20 AND 85 MILES. DEALER SENT ME HOME WITH INSTRUCTION TO COME BACK IF IT HAPPENS AGAIN; CAR STALLED 3 MILES AWAY FROM THE DEALERSHIP AND I IMMEDIATELY RETURNED THE CAR TO THEM FOR FURTHER RESEARCH. STILL NO DIAGNOSIS.

**NHTSA ID Number:** 11206298

**Complaint Date** May 8, 2019

**Incident Date** May 1, 2019

**Consumer Location** SCOTTSDALE, AZ

**Vehicle Identification Number** 3VW5T7AU0KM\*\*\*\*

**Summary of Complaint**

VEHICLE UNEXPECTEDLY STALLS WHILE STATIONARY IN FIRST GEAR, CLUTCH FULLY DEPRESSED. CAR WILL IDLE ROUGH THAN STALL. VEHICLE UNEXPECTEDLY STALLS WHEN APPROACHING A STOP IN FIRST GEAR. SOMETIMES STALLS QUIETLY, LIKE THE CAR TURNED OFF. HAD THE CAR A WEEK AND HAPPENED ABOUT 10+ TIMES. DEALER TOLD ME CAN'T REPLICATE THE PROBLEM, NOTHING TO FIX. CALLED VW CORPORATE TO LET THEM KNOW.

**NHTSA ID Number:** 11207142

**Complaint Date** May 12, 2019

**Incident Date** May 11, 2019

**Consumer Location** MEDIA, PA

**Vehicle Identification Number** 3VW5T7AU0KM\*\*\*\*

**Summary of Complaint**

CAR IS AT 3500 MILES, BOUGHT NEW FROM DEALER. CAR IS MANUAL TRANSMISSION. CAR HAS BEEN FINE UNTIL 5/11/19. WHILE STUCK IN HIGHWAY TRAFFIC, THE CAR STALLED WITH THE CLUTCH DEPRESSED. 10 MINUTES AFTER THE INCIDENT, THIS TIME OFF THE HIGHWAY, THE CAR STALLED WITH THE CLUTCH DEPRESSED AGAIN WHEN I WAS STOPPING AT A STOP SIGN. IN CASE #1) I WAS IN 1ST GEAR. THE STALL WAS VERY SMOOTH AND NOT NOTICED BY PASSENGERS (I NOTICED IT DUE TO TACHOMETER FALLING TO 0). THE CLUTCH WAS %100 DEPRESSED #2) I WAS IN 3RD OR 4TH GEARS. I WAS SLOWING DOWN FOR A STOP SIGN. WHEN I CAME TO A STOP, THE CAR STALLED. I WAS ALERT DUE TO THE FIRST INCIDENT AND MADE SURE TO TAKE NOTE OF WHAT

HAPPENED. THE CLUTCH WAS ONCE AGAIN DEPRESSED.

IN BOTH CASES, THE CAR STALLED AND LEFT ME WITHOUT THE ABILITY TO ACCELERATE OR STEER. LUCKILY THE PROBLEM HAPPENED WHILE STOPPING AND NOT AT HIGH SPEEDS.

**NHTSA ID Number:** 11208223

**Complaint Date** May 17, 2019

**Incident Date** May 16, 2019

**Consumer Location** CHARLOTTE, NC

**Vehicle Identification Number** 3VW5T7AU3KM\*\*\*\*

**Summary of Complaint**

MY VEHICLE STALLS AT IDLE FOR NO REASON. I HAVE TO RESTART MY ENGINE OVER AND OVER WHEN COMING TO A STOP. IT SEEMS TO HAPPEN MORE OFTEN WHEN ENGINE IS WARMED UP. THIS IS DEFINITELY A SAFETY ISSUE IF YOU STALL WHILE WAITING TO TURN LEFT THROUGH TRAFFIC.

**NHTSA ID Number:** 11208287

**Complaint Date** May 17, 2019

**Incident Date** February 1, 2019

**Consumer Location** FAIRBORN, OH

**Vehicle Identification Number** 3VW5T7AU9KM\*\*\*\*

**Summary of Complaint**

MY VEHICLE WOULD STALL OUT/ENGINE WOULD TURN OFF RANDOMLY ON ITS OWN FROM A STOPPED POSITION AND MOVING MOTION. STARTED IN FEBUARY 2019 - CURRENT

- COMING DOWNHILL IN NEUTRAL TO A LIGHT. WHEN PROCEEDING AFTER IT TURNED GREEN, I NOTICED MY ENGINE WAS OFF. I THEN PROCEEDED TO THE NEXT LIGHT AND THE VEHICLE THEN CUT OFF ON ITS OWN AGAIN AT THE NEXT LIGHT WHILE IN NEUTRAL WITH MY FOOT ON THE BRAKES. MY GAS METER WAS AT 1/3 TANK AND I PROCEEDED TO THE NEAREST GAS STATION AFTER I RESTARTED MY VEHICLE. AFTERWARDS, I WENT ON THE HIGHWAY AND WAS COMING TO A SLOW DOWN DUE TO TRAFFIC AND SWITCH MY GEAR TO NEUTRAL AND PRESSED ON THE BRAKES AND AS SOON AS I WAS COMING UP TO THE CAR IN FRONT OF ME MY VEHICLES ENGINE SHUT OFF WHILE I WAS COASTING AT 30-40MPH. I WAS STILL IN MOTION WHEN IT HAPPENED. I PROCEEDED TO RESTART MY VEHICLE WHEN IT CAME TO A FULL STOP AND CALLED MY DEALER.

- 2ND OCCURENCE HAPPEND WHEN I WAS SLOWING DOWN TO MAKE A RIGHT TURN AND HAD MY FOOT ON THE CLUTCH PEDAL GOING INTO 2ND FROM 3RD. MY VEHICLES ENGINE THEN CUTOFF AGAIN WHEN MY FOOT WAS STILL PRESSED INTO THE CLUTCH PEDAL. I HAD RESTARTED THE CAR WHILE IN MOTION TO AVOID INCOMING TRAFFIC TO ACCELERATE INTO THE TURN.

- 3RD OCCURENCE HAPPENED AGAIN WHEN I WAS IN NEUTRAL COASTING INTO MY PARKING SPOT AT MY APARTMENT, THE ENGINE CUT ITSELF OFF AGAIN.

-4TH OCCURENCE HAPPENED IN A SERIES, I WAS COMING UP TO A PARKING SPOT IN NEUTRAL AND AS I BRAKED TO A COMPLETE STOP, MY ENGINE SHUT OFF. I RESTARTED MY VEHICLE AND HAD IT DRIFT BACKWARDS IN NEUTRAL, IT HAD SHUT OFF AGAIN WITHOUT MY STICK SHIFT BEING IN ANY GEAR SLOTS. I THEN RESTARTED MY VEHICLE AND HAD IT IN FIRST GEAR TO MOVE INTO MY PARKING SPACE AND AFTER MOVING FORWARD AND THEN GOING INTO NEUTRAL TO BRAKE, THE ENGINE CUT OFF AGAIN.

- LAST INSTANCE WAS FROM A STOPPED POSITION TO A NEUTRAL COAST LEAVING A PARKING LOT, THIS HAPPEND TWICE.

**NHTSA ID Number:** 11208346

**Complaint Date** May 17, 2019

**Incident Date** May 17, 2019

**Consumer Location** WAPPINGERS FALLS, NY

**Vehicle Identification Number** 3VW5T7AUXKM\*\*\*\*

**Summary of Complaint**

CAR STALLS WHEN COMING TO A STOP WITH FOOT IN CLUTCH. ALSO, IF YOU SHIFT FROM NEUTRAL TO FIRST, STILL WITH FOOT IN CLUTCH FULLY, IT WILL SOMETIMES STALL. THE RANDOM STALLING IS NOT CAUSE BY THE USER BECAUSE THE CLUTCH IS 100% DEPRESSED, YET THE CAR STILL SILENTLY STALLS. ALONG WITH THIS, THE SHIFT INDICATOR IS NOT ALWAYS ACCURATE, SOMETIMES I MAY BE IN 3RD, YET IT DISPLAYS THAT I AM IN 4TH.

**NHTSA ID Number:** 11208782

**Complaint Date** May 20, 2019

**Incident Date** May 11, 2019

**Consumer Location** RIDGEWOOD, NJ

**Vehicle Identification Number** 3VW5T7AUXKM\*\*\*\*

**Summary of Complaint**

UPON COMING TO A COMPLETE STOP WITH THE CLUTCH FIRMLY AND COMPLETELY PRESSED, THE ENGINE THEN STALLS. THIS OCCURS ONLY AFTER DRIVING ON REGULAR STREETS STOP AND GO FOR APPROXIMATELY 20 MINUTES. IT WILL THEN STALL AT COMPLETE STOPS INFREQUENTLY AND IT OCCURS PROBABLY ABOUT 5 TIMES EVERY 15 MINUTES. THIS HAS HAPPENED EVERY TIME I HAVE DRIVEN THE CAR SINCE I PICKED IT UP BRAND NEW ON 5/11/19. IT IS NOW BACK IN THE SHOP FOR THEM TO FIX IT FOR A SECOND TIME.

**NHTSA ID Number:** 11208846

**Complaint Date** May 20, 2019

**Incident Date** May 10, 2019

**Consumer Location** MINNEAPOLIS, MN

**Vehicle Identification Number** 3VW5T7AU2KM\*\*\*\*

**Summary of Complaint**

VEHICLE WILL SPONTANEOUSLY TURN OFF ENGINE OR STALL WHILE DECELERATING FROM SPEEDS OF APPROXIMATELY LESS THAN 20 MPH. CAR WILL STALL WITH CLUTCH DEPRESSED OR NOT, STEERING WHEEL LOSES POWER ASSIST, AND CAR NEEDS TO BE RESTARTED. ENGINE SHUT OFF OCCURS WHILE VEHICLE IS IN MOTION AND HAS OCCURRED APPROXIMATELY 5 TIMES IN FIRST 800 MILES OF OWNERSHIP.

**NHTSA ID Number:** 11209610

**Complaint Date** May 24, 2019

**Incident Date** May 24, 2019

**Consumer Location** UNION CITY, CA

**Vehicle Identification Number** 3VW5T7AU1KM\*\*\*\*

**Summary of Complaint**

THE CAR WILL RANDOMLY STALL WHEN COMING TO A STOP. AS OF 5/23, THE CAR HAS 1,030 MILES ON IT. IT HAPPENED A FEW TIMES AT ABOUT 400-500 MILES AND THEN IT WENT AWAY, BUT RECENTLY IT HAS BEEN HAPPENING A FEW TIMES A DAY. THIS HAPPENS INTERMITTENTLY WHILE COMING TO A STOP EITHER ALREADY IN NEUTRAL, AND IT HAS ALSO HAPPENED WHILE ROLLING TO A STOP WITH THE CLUTCH DEPRESSED. IT IS NOT YOUR TYPICAL STALL, THERE IS NO JERKINESS AND THE ENGINE JUST SILENTLY SHUTS DOWN. WOULD BE HARD TO NOTICE IF EYES ARE NOT ON THE RPM, IT JUST DIES AND HITS 0 RPM.

**NHTSA ID Number:** 11210239

**Complaint Date** May 28, 2019

**Incident Date** May 27, 2019

**Consumer Location** OAKDALE, PA

**Vehicle Identification Number** 3VW5T7AU4KM\*\*\*\*

**Summary of Complaint**

THE ISSUE PRESENTS ITSELF SLOWING DOWN TO A STOP, WHERE THE ENGINE WILL SOFT STALL AND REQUIRE RESTARTING. THIS OCCURS WHEN THE TRANSMISSION IS IN GEAR WITH THE CLUTCH DEPRESSED AND ALSO WHEN THE TRANSMISSION IS IN NEUTRAL.

**NHTSA ID Number:** 11210623

**Complaint Date** May 29, 2019

**Incident Date** May 28, 2019

**Consumer Location** CORPUS CHRISTI, TX

**Vehicle Identification Number** 3VW5T7AU0KM\*\*\*\*

**Summary of Complaint**

I PURCHASED THIS CAR WITH ONLY 600 MILES ON IT AND HAVE HAD IT FOR 3 DAYS. IT IS A 6 SPEED MANUAL TRANSMISSION AND NOT THE FIRST MANUAL I HAVE EVER HAD. WHEN COMING TO A STOP, IF THE CLUTCH IS ENGAGED FULLY, THE CAR WILL SOFT STALL LEAVING ME TO HAVE TO RESTART THE CAR TO GET MOVING. THE STALL IS SO SUBTLE THAT EVERY TIME IT HAS HAPPENED I DIDN'T REALIZE IT UNTIL I PRESSED THE GAS AND THE CAR DID NOTHING. THIS IS A

VERY DANGEROUS PROBLEM THAT VW IS FAILING TO RECOGNIZE.

FOR EXAMPLE, IT HAPPENED WHILE I WAS SLOWING DOWN IN THE TURNING LANE TO TAKE A LEFT TURN ACROSS TRAFFIC. WITH THE CLUTCH FULLY DEPRESSED I DOWNSHIFTED TO FIRST GEAR AND BEGAN TO TURN ACROSS THE ONCOMING LANE. AS I BEGAN TO APPLY THROTTLE AND RELEASE THE CLUTCH I NOTICED THE CAR HAD STALLED AND WAS FORCED TO RESTART THE CAR. THIS ALL HAPPENED WHILE I WAS SITTING IN THE ONCOMING LANE OF TRAFFIC WHICH COULD HAVE EASILY CAUSED AN ACCIDENT IF THERE HAD BEEN CARS COMING.

AT FIRST I THOUGHT THAT IT WAS MY DOING SO I SPENT SOME TIME TRYING TO RECREATE THE ISSUE. ABOUT 1 IN EVERY 5 STOPS WITH THE CLUTCH FULLY ENGAGED, WHETHER IN GEAR OR IN NEUTRAL, THE CAR WILL STALL WHEN IT COMES TO A STOP. THIS IS NOT NORMAL BEHAVIOR OR DUE TO INEXPERIENCE. I HAVE NEVER HAD A MANUAL VEHICLE WHERE THE ENGINE WOULD EVER STALL WITH THE CLUTCH FULLY ENGAGED.

AFTER DOING A LITTLE RESEARCH ONLINE THIS IS APPARENTLY A WIDE SPREAD ISSUE THAT IS AFFECTING BRAND NEW 2019 GTI'S WITH THE MANUAL TRANSMISSION. VW IS FAILING TO ACKNOWLEDGE THAT THERE IS A PROBLEM AND THIS NEGLIGENCE WILL ULTIMATELY LEAD TO AN ACCIDENT THAT COULD COST SOMEBODY THEIR LIFE. SOMETHING NEEDS TO BE DONE!

**NHTSA ID Number:** 11217000

**Complaint Date May 30, 2019**

**Incident Date** May 30, 2019

**Consumer Location** EAST MEADOW, NY

**Vehicle Identification Number** 3VW5T7AU3KM\*\*\*\*

**Summary of Complaint**

THE ENGINE STALL COMING UP ON A STOP. THE CLUTCH IS FULLY DEPRESSED AND GEAR IN NEUTRAL. THIS HAS HAPPENED ALMOST EVERY DAY.

**NHTSA ID Number:** 11217139

**Complaint Date May 31, 2019**

**Incident Date** May 30, 2019

**Consumer Location** LA CRESCENTA, CA

**Vehicle Identification Number** 3VW5T7AU5KM\*\*\*\*

**Summary of Complaint**

2019 VW GTI S WITH THE 6 SPEED MANUAL TRANSMISSION IN WHITE. THE CAR STALLS OUT. IT HAPPENS WHEN IT'S IN NEUTRAL, AS I COME TO A STOP (NOT IN GEAR, AND THE CLUTCH IS NOT DEPRESSED). IT STALLS OUT THE WAY A CAR WOULD STALL WHEN YOU COME TO A STOP WHEN YOU ARE IN GEAR. THE CAR WAS JUST PURCHASED 7 DAYS AGO. IT CURRENTLY HAS 105 MILES ON IT AND THIS HAS HAPPENED 5 DIFFERENT TIMES. BUILD DATE OF 3/19

**NHTSA ID Number:** 11217294

**Complaint Date June 1, 2019**

**Incident Date** May 28, 2019

**Consumer Location** HENDERSON, NV

**Vehicle Identification Number** 3VW5T7AU5KM\*\*\*\*

**Summary of Complaint**

VEHICLE WAS PURCHASED ON 5/27/19. VEHICLE HAS JUST OVER 1000 MILES. ISSUE FIRST STARTED DAY AFTER THE PURCHASE. THE VEHICLE'S ENGINE WILL INTERMITTENTLY STALL AFTER COMING TO A STOP. THE NATURE OF THE STALL IS SUBTLE, NOT JERKY. ALMOST LIKE A AUTO START/STOP FEATURE ON A VEHICLE WITH AN AUTO TRANSMISSION (MY GTI HAS A 6-SPEED MANUAL). THIS HAS HAPPENED 10 TIMES NOW. IVE HAD IT HAPPEN WITH THE CLUTCH PEDAL PRESSED (CLUTCH DISENGAGED) AND THE VEHICLE GEAR SHIFTER IN NEUTRAL AND ALSO IN GEAR. IVE ALSO HAD IT HAPPEN WITH THE CLUTCH PEDAL NOT PRESSED (CLUTCH ENGAGED) AND THE GEAR SHIFTER IN NEUTRAL. CAR RESTARTS FINE, BUT THIS IS DEFINITELY A SAFETY ISSUE THAT CAN LEAD TO ACCIDENTS.

**NHTSA ID Number:** 11217367

**Complaint Date June 2, 2019**

**Incident Date** June 2, 2019

**Consumer Location** ANNAPOLIS, MD

**Vehicle Identification Number** 3VW5T7AU0KM\*\*\*\*

**Summary of Complaint**

DURING STREET AND HIGHWAY DRIVING, THE ENGINE STALLS AFTER THE VEHICLE IS BROUGHT TO A COMPLETE STOP WITH CLUTCH DEPRESSED AND/OR TRANSMISSION IN NEUTRAL. OCCURS WITH ENGINE AT OPERATING TEMPERATURE IRRESPECTIVE OF INITIAL SPEED OR ENGAGED GEAR PRIOR TO COMMENCEMENT OF BRAKING AND DECELERATION. IMMEDIATELY PRIOR TO THE STALL, THE ENGINE RUNS ROUGH OR SEEMS TO BE MISFIRING FOR ONE OR TWO SECONDS. ONCE THE FIRST EVENT OCCURS, IT WILL THEN REPEAT 25-50% OF THE TIME THE VEHICLE IS DECELERATED TO A STOP.

**NHTSA ID Number:** 11217664

**Complaint Date June 3, 2019**

**Incident Date** June 3, 2019

**Consumer Location** SAN DIEGO, CA

**Vehicle Identification Number** 3VW5T7AU6KM\*\*\*\*

**Summary of Complaint**

CAR ENGINE HAS STALLED MULTIPLE TIMES WHILE PULLING UP TO A STOP. CAR IS A SIX SPEED MANUAL AND WAS OUT OF GEAR AT THE TIME THE STALL OCCURRED

**NHTSA ID Number:** 11217835

**Complaint Date June 4, 2019**

**Incident Date** June 4, 2019

**Consumer Location** ADDISON, TX

**Vehicle Identification Number** 3VW5T7AU7KM\*\*\*\*

**Summary of Complaint**

I HAVE BEEN DRIVING MANUAL TRANSMISSIONS FOR ALMOST 10 YEARS. I HAVE HAD THE CAR STALL ON ME THREE TIMES WHILE MOVING AT LOW SPEEDS WHILE IN FIRST GEAR, SPECIFICALLY WHEN PARKING AND WE STARTING TO MOVE AGAIN FROM A STOP AT A LIGHT. THE ENGINE SHUTS OFF ALMOST AS IF THE ENGINE'S START/STOP FEATURE ENGAGED, NOT LIKE A TYPICAL STALL. THE CAR IS BRAND NEW WITH 350 MILES AS OF TODAY WHEN IT HAPPENED FOR THE THIRD TIME.

**NHTSA ID Number:** 11217909

**Complaint Date** June 4, 2019

**Incident Date** June 4, 2019

**Consumer Location** BEVERLY HILLS, CA

**Vehicle Identification Number** 3VW5T7AU2KM\*\*\*\*

**Summary of Complaint**

WHEN I AM SLOWING DOWN TO A STOP AND I HAVE THE CAR OUT OF GEAR, THE ENGINE WILL SOFT STALL AND REQUIRE RESTARTING. THIS HAPPENS IN TRAFFIC AND IS VERY DISORIENTING.

**NHTSA ID Number:** 11218069

**Complaint Date** June 5, 2019

**Incident Date** June 5, 2019

**Consumer Location** MEDIA, PA

**Vehicle Identification Number** 3VW5T7AU2KM\*\*\*\*

**Summary of Complaint**

AFTER THE ENGINE HAS WARMED UP, CAR WILL OCCASIONALLY STALL EVEN WITH CLUTCH FULLY DEPRESSED AND COMING TO A STOP. THE STALL IS GENTLE, LIKE THE ENGINE IS JUST SWITCHED OFF. THE CAR DOES NOT LURCH.

**NHTSA ID Number:** 11218180

**Complaint Date** June 5, 2019

**Incident Date** May 22, 2019

**Consumer Location** SAN DIEGO, CA

**Vehicle Identification Number** 3VW5T7AU0KM\*\*\*\*

**Summary of Complaint**

WHETHER THE CAR IS IN GEAR OR NOT THE VEHICLE WILL STALL OUT. WHEN VEHICLE IS IN GEAR AND CLUTCH IS FULLY DEPRESSED THE VEHICLE WILL STALL. DOES NOT MATTER IF IT IS 1ST GEAR OR REVERSE THE SAME WILL HAPPEN.

**NHTSA ID Number:** 11218707

**Complaint Date** June 8, 2019

**Incident Date** June 7, 2019

**Consumer Location** READING, PA

**Vehicle Identification Number** 3VW5T7AU7KM\*\*\*\*

**Summary of Complaint**

THE CAR WILL STALL WHILE IN NEUTRAL OR WITH THE CLUTCH FULLY DEPRESSED IN 1ST GEAR WHEN SLOWING TO A STOP. IT HAPPENED IN A PARKING LOT WHILE COASTING IN NEUTRAL TO A STOP. IT THEN HAPPENED THREE MORE TIMES IN STOP AND GO TRAFFIC. IT SEEMS TO HAPPEN RANDOMLY; THERE IS NOTHING SPECIFICALLY THAT SEEMS TO TRIGGER IT OR PREVENT IT. THE CAR WILL SIMPLY CUT OUT AND DIE WHILE OUT OF GEAR AND SLOWING TO A STOP BELOW 10MPH. CLEARLY STALLING RANDOMLY IN TRAFFIC IS A SAFETY CONCERN FOR MYSELF AND THOSE AROUND ME AND VOLKSWAGEN NEEDS TO ADDRESS IT.

**NHTSA ID Number:** 11218851

**Complaint Date** June 10, 2019

**Incident Date** June 8, 2019

**Consumer Location** COLLINGSWOOD, NJ

**Vehicle Identification Number** 3VW6T7AU8KM\*\*\*\*

**Summary of Complaint**

THE ENGINE WILL FREQUENTLY STALL WHEN I COME TO A COMPLETE STOP, REQUIRING ME TO SHIFT THE CAR INTO PARK, RESTART THE CAR, AND THEN PUT IT BACK INTO GEAR. I HAVE THE DSG TRANSMISSION AND THIS ISSUE HAS OCCURRED BOTH WITH THE AUTO START/STOP ON AND WITH IT OFF. I SOMETIMES DON'T REALIZE THE ENGINE HAS STALLED UNTIL I HAVE TO START MOVING AGAIN, AT A RED LIGHT FOR INSTANCE, WHICH CREATES A DANGEROUS SITUATION.

**NHTSA ID Number:** 11219277

**Complaint Date** June 11, 2019

**Incident Date** June 10, 2019

**Consumer Location** CLEARFIELD, PA

**Vehicle Identification Number** 3VW5T7AU8KM\*\*\*\*

**Summary of Complaint**

HAS BEEN STALLING OUT AT LOW SPEED TO LOW RPMS.

WHEN COMING TO A STOP HOLD THE CLUTCH IN WHILE IN GEAR WILL SOFTLY STALL OR WHILE OUT OF GEAR AND CLUTCH IS NOT PRESSED IN IT WILL STALL OUT AS WELL. HAPPENED 6 TIMES IN A 10 MILE TRIP.

**NHTSA ID Number:** 11219875

**Complaint Date** June 13, 2019

**Incident Date** June 13, 2019

**Consumer Location** SYRACUSE, NY

**Vehicle Identification Number** 3VW5T7AU0KM\*\*\*\*

OUT WHILE COASTING IN NEUTRAL TO A STOP <5MPH AND STALLED OUT ALMOST IMMEDIATELY AFTER RESTARTING IGNITION 4 TIMES UNTIL I GAVE IT GAS AND HELD IT ABOVE 1500 RPM. VEHICLE IS A RABBIT EDITION 6 SPEED

TRANSMISSION -- STALL WAS 100% NOT DRIVER ERROR AND WAS IN NEUTRAL.  
891 MILES ON THE VEHICLE.

**NHTSA ID Number:** 11219913

**Complaint Date June 13, 2019**

**Incident Date** June 13, 2019

**Consumer Location** PORTLAND, OR

**Vehicle Identification Number** 3VW5T7AU7KM\*\*\*\*

**Summary of Complaint**

THE ENGINE WOULD STALL WHEN APPROACHING A STOP. SOMETIMES ENGINE  
WOULD ALSO STALL AT LOW SPEEDS

**NHTSA ID Number:** 11220008

**Complaint Date June 14, 2019**

**Incident Date** June 12, 2019

**Consumer Location** Unknown

**Vehicle Identification Number** 3VW5T7AUXKM\*\*\*\*

**Summary of Complaint**

MY 2019 S MODEL PRODUCED IN 9/2018 WITH MANUAL TRANSMISSION IS  
STALLING AT LOW SPEEDS WITH CLUTCH FULLY ENGAGED. IT HAPPENS IN FIRST  
OR SECOND GEAR USUALLY WHEN EITHER TRYING TO COME TO A STOP OR IN  
STOP AND GO TRAFFIC COASTING AT VERY LOW SPEEDS WITH CLUTCH IN. THE  
CAR DOES NOT LURCH. IT SIMPLY JUST SHUTS OFF QUIETLY. IT HAS HAPPENED  
SO FAR ON AN OFF RAMP, IN TRAFFIC, AND PULLING INTO MY DRIVEWAY. I JUST  
BOUGHT THE CAR 3 DAYS AGO ON TUESDAY, JUNE 11TH WITH ONLY A FEW  
HUNDRED MILES ON IT. IT STARTED HAPPENING THE DAY AFTER I BOUGHT IT. IT  
ONLY HAPPENED ONCE ON THAT DAY, BUT HAPPENED SEVERAL MORE TIMES  
YESTERDAY. AT FIRST I THOUGHT IT WAS USER ERROR UNTIL I GOOGLED IT AND  
SAW AT LEAST 80 PEOPLE WITH THE SAME PROBLEM. I HAVE NEVER HAD A  
MANUAL CAR STALL IN LOWER GEARS WITH THE CLUTCH FULLY ENGAGED. IT  
IS NOT NORMAL OR SAFE IN MY OPINION. I PLAN ON TAKING IT BACK TO THE  
DEALER AS SOON AS I CAN SO THEY CAN INVESTIGATE FURTHER.

**NHTSA ID Number:** 11220766

**Complaint Date June 17, 2019**

**Incident Date** June 17, 2019

**Consumer Location** WESTERVILLE, OH

**Vehicle Identification Number** 3VW5T7AU4KM\*\*\*\*

**Summary of Complaint**

VEHICLE WITH AN INTERMITTENT STALL IN THE SIX SPEED MANUAL  
TRANSMISSION. STALLS OCCURS WHEN DECELERATING WITH THE CLUTCH  
PEDAL DEPRESSED. SO FAR, THIS HAS OCCURRED ON CITY STREETS AT LOW  
ROLLING SPEEDS IN THE MIDST OF A LEFT HAND TURN. A FULL STOP (AS WHEN  
WAITING FOR ONCOMING TRAFFIC TO PASS) DOES NOT OCCUR BEFORE ONSET  
OF THE STALL, RATHER THE STALL HAS OCCURRED MIDWAY THROUGH THE  
ROLLING TURN AS THE BRAKE PEDAL IS RELEASED, THE GEAR SELECTED, AND

CLUTCH PEDAL RELEASED. IN EVERY INSTANCE IN WHICH THE STALL HAS INITIALLY OCCURRED, THE POWER LOSS OCCURS WHILE MY VEHICLE IS IN THE LANE OF ONCOMING TRAFFIC, WITH ONLY THE MOMENTUM OF THE CAR PROPELLED ME OUT OF THE LANE. IN THE MOST RECENT INCIDENT, THE STALL REPEATED AFTER TWO ATTEMPTS TO RESTART THE VEHICLE WITH THE CLUTCH PEDAL DEPRESSED. AFTER TURNING THE IGNITION FULLY OFF, THEN RESTARTING THE VEHICLE, THE STALL OCCURRED A THIRD TIME. AFTER LETTING THE VEHICLE SIT FOR A PERIOD OF ABOUT 20 MINUTES, THE CAR STARTED AND FUNCTIONED WITHOUT INCIDENT.

**NHTSA ID Number:** 11222603

**Complaint Date** June 25, 2019

**Incident Date** June 2, 2019

**Consumer Location** SEATTLE, WA

**Vehicle Identification Number** 3VW5T7AU9KM\*\*\*\*

**Summary of Complaint**

CAR HAS MANUAL TRANSMISSION. CAR UNEXPECTEDLY STALLS OUT WHEN SLOWING TO A STOP IN CITY DRIVING. ALTHOUGH RESTARTING THE ENGINE IS NO PROBLEM, IT SOMETIMES WILL STALL REPEATEDLY REQUIRING MULTIPLE RESTARTS. I HAVE NOT BEEN ABLE TO FIGURE OUT WHAT IS CAUSING THE PROBLEM, NOR CAN I FORCE IT TO HAPPEN.

**NHTSA ID Number:** 11223099

**Complaint Date** June 28, 2019

**Incident Date** April 14, 2019

**Consumer Location** WEST SPRINGFIELD, MA

**Vehicle Identification Number** 3VW5T7AU7KM\*\*\*\*

**Summary of Complaint**

COMING TO A STOP, CLUTCH ALL THE WAY IN, THE CAR WILL STALL. IT IS NOT YOUR TYPICAL "JUMPY" DRIVER ERROR STALL, BUT RATHER IT FEELS AS IF THE ENGINE JUST SHUTS DOWN. ITS VERY SUBTLE AND THE ONLY WAY YOU EVEN KNOW ITS HAPPENING IS THAT YOU SEE YOUR RPM'S DROP OFF. ALWAYS HAPPENING WHEN COMING TO A STOP. DIFFICULT TO BRING THE PROBLEM TO THE DEALER BECAUSE IT IS DIFFICULT TO REPRODUCE ON COMMAND.

**NHTSA ID Number:** 11229111

**Complaint Date** July 2, 2019

**Incident Date** June 30, 2019

**Consumer Location** DALY CITY, CA

**Vehicle Identification Number** 3VW5T7AU3KM\*\*\*\*

**Summary of Complaint**

WHEN COMING TO A STOP IN 1ST OR WHILE STOPPED AT A LIGHT IN NEUTRAL, THE CAR WILL STALL OUT.

**NHTSA ID Number:** 11229491

**Complaint Date** July 4, 2019

**Incident Date** July 4, 2019

**Consumer Location** MILFORD, OH

**Vehicle Identification Number** 3VW5T7AUXKM\*\*\*\*

**Summary of Complaint**

CAR WILL STALL EVERY OTHER DAY OR SO. MAY ALSO STALL TWICE IN ONE DAY. SEEMS TO BE MORE COMMON WHEN ITS WARMER OUT. IT STALLS IN NEUTRAL OR IN GEAR WITH CLUTCH DEPRESSED WHEN SLOWING DOWN TO A STOP. ALREADY HAD IT TO THE DEALER TWICE. STILL STALLS.

**NHTSA ID Number:** 11232214

**Complaint Date** July 16, 2019

**Incident Date** July 10, 2019

**Consumer Location** CINCINNATI, OH

**Vehicle Identification Number** 3VW5T7AU6KM\*\*\*\*

**Summary of Complaint**

THE ENGINE STALLS WHEN APPROACHING A STOP DESPITE BEING IN NEUTRAL. THE STALL IS GENTLE (NOT SUDDEN). EACH TIME, THE COOLANT AND OIL TEMPERATURE WERE AT REGULAR OPERATING TEMPERATURES (WARMED UP, NOT COLD). THIS HAS HAPPENED 3 TIMES THUS FAR, AT APPROXIMATELY 30 MILES, 120 MILES, AND 500 MILES ON THE ODOMETER. THIS CAR IS WITH THE MANUAL TRANSMISSION.

**NHTSA ID Number:** 11234932

**Complaint Date** July 25, 2019

**Incident Date** July 25, 2019

**Consumer Location** HAVERFORD, PA

**Vehicle Identification Number** 3VW5T7AU0KM\*\*\*\*

**Summary of Complaint**

WHEN AT IDLE OR COMING TO A STOP, WITH THE CAR IN NEUTRAL AND THE CLUTCH PEDAL NOT ENGAGED THE VEHICLE WILL SOFT STALL AND REQUIRE A KEY TURN TO START THE MOTOR AGAIN. THIS HAS HAPPENED SEVERAL TIMES ON A BRAND NEW VEHICLE. 6SPD MANUAL

**NHTSA ID Number:** 11255265

**Complaint Date** September 13, 2019

**Incident Date** September 1, 2019

**Consumer Location** DUBLIN, NH

**Vehicle Identification Number** 3VW5T7AU9KM\*\*\*\*

**Summary of Complaint**

TL\* THE CONTACT OWNS A 2019 VOLKSWAGEN GTI. WHILE DRIVING VARIOUS LOW SPEEDS, THE VEHICLE SUDDENLY STALLED WHEN COMING TO A STOP. THE FAILURE OCCURRED ON THREE SEPARATE OCCASIONS. THE VEHICLE WAS NOT DIAGNOSED OR REPAIRED. THE LOCAL DEALER AND MANUFACTURER WERE NOT NOTIFIED OF THE FAILURE. THE FAILURE MILEAGE WAS 700. \*DT

UPDATE: DEALER WAS NOTIFIED ON 13-SEP-2019 IMMEDIATELY AFTER THIS

COMPLAINT WAS ORIGINALLY FILED. FAILURE HAS NOW OCCURRED ON 3 OCCASIONS. VEHICLE WAS BROUGHT TO DEALER ON 10-07-2019 FOR DIAGNOSIS BUT WAS UNABLE TO FIX AS IT STALLED FOR A THIRD TIME THAT DAY WHEN RETURNING HOME. DEALER WAS AGAIN NOTIFIED OF THE THIRD STALL AND IS AWAITING PERMANENT FIX INFORMATION WHEN AVAILABLE FROM VWGFA. APPROX. MILEAGE AT TIME OF FAILURES: 700 MILES ON 17-JUL-2019, 900 MILES ON 01-SEP-2019, AND 1750 MILES ON 10-OCT-2019.\*JB

**NHTSA ID Number:** 11266113

**Complaint Date** October 4, 2019

**Incident Date** July 31, 2019

**Consumer Location** HOUSTON, TX

**Vehicle Identification Number** 3VW5T7AU6KM\*\*\*\*

**Summary of Complaint**

TL\* THE CONTACT OWNS A 2019 VOLKSWAGEN GTI. THE CONTACT STATED THAT THE VEHICLE STALLED WHEN THE CLUTCH WAS FULLY DEPRESSED AND THE GEAR WAS IN NEUTRAL. THE CONTACT STATED THAT THE FAILURE OCCURRED WHEN THE ENGINE WAS WARMED UP. THE VEHICLE WAS TAKEN TO DEMONTROND VOLKSWAGEN (14101 NORTH FREEWAY, HOUSTON TX, 77090, (281) 872-3855) TO BE DIAGNOSED, BUT A FAILURE COULD NOT BE FOUND. THE DEALER RESET THE COMPUTER, BUT THE FAILURE WAS NOT CORRECTED. THE VEHICLE CONTINUED TO STALL WHEN THE ENGINE WAS WARMED UP. THE VEHICLE WAS NOT REPAIRED. THE MANUFACTURER WAS CONTACTED. THE FAILURE MILEAGE WAS 12,000.

**NHTSA ID Number:** 11269710

**Complaint Date** October 19, 2019

**Incident Date** October 11, 2019

**Consumer Location** WASHINGTON TERRACE, UT

**Vehicle Identification Number** 3VW5T7AU4KM\*\*\*\*

**Summary of Complaint**

VEHICLE INTERMITTENTLY WILL STALL OUT WHEN COMING TO A COMPLETE STOP, AND MUST BE MANUALLY RESTARTED FOR EACH FAILURE AND THE CAR SUCCESSFULLY RESTARTS EVERY TIME WITH NO ISSUES. EACH STALL HAPPENED WHILE VEHICLE WAS COMING TO A STOP BETWEEN 0 AND 10 MILES PER HOUR WITH NO WARNING, WITH THE CLUTCH FULLY DEPRESSED AND THE VEHICLE IN NEUTRAL. THE VEHICLE DOES NOT HAVE AN AUTO START/STOP FEATURE. THE FAILURE SEEMS TO BE EITHER ELECTRICAL OR MECHANICAL IN NATURE, AND ONLY OCCURS WHEN THE VEHICLE IS COMPLETELY UP TO OPERATING TEMPERATURE. THIS STALLING ISSUE HAS OCCURRED A TOTAL OF 15 TIMES IN THE WEEK THAT I HAVE OWNED IT, STARTING WITH THE FIRST DAY OF PURCHASE, BUT DOES NOT HAPPEN EVERY TIME I DRIVE THE CAR. THERE IS CURRENTLY NO CHECK ENGINE LIGHT, AND NO CODES STORED FOR THIS FAILURE. THE ENGINE DOES SOMETIMES RUN VERY ROUGH RIGHT BEFORE IT STALLS, BUT THIS HAS ONLY HAPPENED 3 TIMES OUT OF THE TOTAL 15

FAILURES THAT HAVE OCCURRED. THE ONLY SECONDARY ISSUE THAT MAY BE RELATED TO THIS FAILURE IS AN INCORRECT GEAR INDICATION BEING SHOWN ON THE DASH, WHICH I HAVE ONLY NOTICED A COUPLE OF TIMES. CURRENTLY WAITING FOR SERVICE AT THE DEALERSHIP TO LOOK AT THE VEHICLE, HOWEVER, THEY HAVE INFORMED ME THAT THEY ARE NOT AWARE OF ANY PERMANENT SOLUTIONS TO THIS ISSUE AND THEY ARE AWARE THAT THIS IS A COMMON ISSUE WITH THIS YEAR MAKE AND MODEL OF VEHICLE.

**NHTSA ID Number:** 11280955

**Complaint Date** November 18, 2019

**Incident Date** November 7, 2019

**Consumer Location** CLEVELAND, OH

**Vehicle Identification Number** 3VW5T7AU3KM\*\*\*\*

**Summary of Complaint**

MY 2019 GOLF GTI 6 SPEED MANUAL FREQUENTLY AND SEEMINGLY RANDOMLY STALLS WHEN COMING TO A STOP. SOME DAYS THE CAR WILL NOT STALL AT ALL OTHER TIMES THE CAR WILL STALL EVERYTIME IT COMES TO A COMPLETE STOP. IT HAPPENS AFTER THE CAR HAS FULLY WARMED UP AND WILL HAPPEN AT THE MOST UNEXPECTED TIMES. THE CAR STALLS VERY GENTLY, NO LURCHING OR BUCKING.

**NHTSA ID Number:** 11281246

**Complaint Date** November 20, 2019

**Incident Date** November 19, 2019

**Consumer Location** MUNDELEIN, IL

**Vehicle Identification Number** 3VW5T7AU9KM\*\*\*\*

**Summary of Complaint**

RE: NHTSA ACTION NUMBER DP19003.

I HAVE A 2019 GTI SE 6MT. AT LOW SPEEDS, COMING TO A STOP, WITH CLUTCH ENGAGED, THE CAR WILL STALL. NO WARNING LIGHTS OR NOTICEABLE SOUNDS APPEAR, BUT THE ENGINE JUST TURNS OFF. SOMETIMES YOU DON'T KNOW IT'S OFF UNTIL YOU TRY TO ACCELERATE. A COUPLE OF TIMES THE ENGINE WOULD QUIETLY SHUT OFF WHILE THE CAR WAS IN MOTION WITH CLUTCH ENGAGED AND GEAR IN NEUTRAL. THE FREQUENCY OF THIS OCCURENCE IS HIGHER WHEN IM IN STOP AND GO TRAFFIC. I PURCHASED MY CAR BRAND NEW YESTERDAY, 11/18/2019, WITH LESS THAN 30 MILES. THE STALLING OCCURRED THE NEXT DAY ON 11/19/2019 IN BUMPER TO BUMPER TRAFFIC. TO PROIVDE CONTEXT, I'VE BEEN DRIVING MANUAL TRANSMISSIONS 13 YEARS, WITH MY PREVIOUS CAR BEING A 6MT 2013 GTI, AND NEVER ENCOUNTERED THIS TYPE OF ISSUE BEFORE. TO TEST WHETHER IT'S HUMAN ERROR, I CONCIOUSLY PRESSED DOWN ON THE CLUTCH AS HARD AS I COULD AND KEPT IT ENGAGED UNTIL FULL STOP TO ENSURE I WASN'T RELEADING TOO EARLY, BUT THE ISSUE STILL PERSISTED. I'VE STALLED OVER 10 TIMES IN A DAY, WHICH APPEARS TO OCCUR AT RANDOM, BUT MORESO DURING LOW SPEED, STOP AND GO DRIVING. BECAUSE OF THE SUBTLE ENGINE SHUTOFF, LEFT TURNS FROM A STANDSTILL CAN BE EXTREMELY DANGEROUS DUE TO STALLING ON ONCOMING TRAFFIC WITHOUT KNOWING YOUR ENGINE IS

OFF, AMONGST THE OTHER DANGEROUS IMPLICATIONS OF THIS ISSUE. PLEASE CONSIDER THIS A SERIOUS ISSUE, WHICH APPEARS TO BE IMPACTING MANY OTHER 2019 GTI 6MT OWNERS.

**NHTSA ID Number:** 11297514

**Complaint Date** January 6, 2020

**Incident Date** January 6, 2020

**Consumer Location** LAS VEGAS, NV

**Vehicle Identification Number** 3VW5T7AUXKM\*\*\*\*

**Summary of Complaint**

THE VEHICLE SEEMS TO PERIODICALLY STALL WHEN I'M TRAVELING AT LOW SPEEDS, SUCH AS IN PARKING LOTS, OR SLOWING DOWN TO TAKE A RIGHT OR LEFT TURN. IT HAS REURRED ENOUGH (~4 TIMES IN 220 MILES) TO KNOW IT IS NOT DRIVER ERROR.

**NHTSA ID Number:** 11309970

**Complaint Date** February 18, 2020

**Incident Date** February 16, 2020

**Consumer Location** KIRKLAND, WA

**Vehicle Identification Number** 3VW5T7AU9KM\*\*\*\*

**Summary of Complaint**

CAR STALLS AT SLOW SPEEDS AND WHEN FULLY STOPPED. THE STALL HAS HAPPENED 4 TIMES: TWICE WHILE MOVING AT ROUGHLY 5MPH TOWARDS A RED LIGHT, AND TWICE WHILE STOPPED AT RED LIGHTS. IN EACH CASE, THE CLUTCH PEDAL WAS FULLY ON THE FLOOR AND BRAKE PEDAL WAS ENGAGED. IT IS BRAND NEW CAR AND THE FIRST STALL HAPPENED AT ROUGHLY 160 MILES ON THE ODOMETER. THE LAST STALL WAS AT 191.

**NHTSA ID Number:** 11315480

**Complaint Date** March 1, 2020

**Incident Date** March 1, 2020

**Consumer Location** CABOT, AR

**Vehicle Identification Number** 3VW447AU9JM\*\*\*\*

**Summary of Complaint**

AN ISSUE EXISTS WHERE THE START STOP SYSTEM (S/S) CAN CAUSE THE VEHICLE TO STALL AT A STOP LIGHT.

AT ONE POINT, THE DRIVER WAS IN STOPPED IN TRAFFIC, WHICH CAUSED MY S/S TO ACTIVATE, TURNING OFF THE VEHICLE'S ENGINE. THE DRIVER UNBUCKLED HIS SEAT BELT SO HE COULD PUT SOMETHING INTO THE GLOVE BOX, THEN RE BUCKLED HIS SEAT BELT. TRAFFIC BEGAN MOVING AGAIN, SO THE DRIVER HIT THE ACCELERATOR. THE VEHICLE DID NOT ACCELERATE. THERE WAS A NOTIFICATION ON THE DASH STATING "PLEASE START ENGINE MANUALLY". THE DRIVER ATTEMPTED TO START THE ENGINE, BUT THE VEHICLE WAS STILL IN DRIVE, SO THE VEHICLE NOTIFIED HIM TO PUT THE TRANSMISSION INTO P OR N. THE DRIVER SHIFTED THE VEHICLE INTO N, RESTARTED THE ENGINE, SHIFTED

BACK INTO DRIVE AND THEN RESUMED DRIVING. (AFTER CREATING A SMALL TRAFFIC JAM)

LATER, THE DRIVER TOOK THE VEHICLE TO THE DEALERSHIP AND EXPLAINED THE ISSUE. THE SERVICE DEPARTMENT POLITELY EXPLAINED THAT THE S/S SYSTEM DOES THAT, AND THERE IS NOTHING THAT THEY CAN DO. THEY EXPLAINED THAT MULTIPLE FACTORS STIPULATE THE S/S SYSTEM'S DECISIONS, SUCH AS ENGINE TEMPERATURE, POWER CONSUMPTION (JUST TO NAME A FEW). THE DRIVER ALSO ASKED IF THE DEALERSHIP COULD JUST REMOVE S/S SYSTEM, THEY EXPLAINED THAT THEY WERE NOT ALLOWED TO DUE TO EPA REGULATIONS.

ATTACHED IS A PNG FILE CONTAINING SCREENSHOTS OF A MP4 THAT THE DRIVER TOOK ON 03/01/20 WHILE ATTEMPTING TO RECREATE THE INCIDENT.

IT SHOULD BE NOTED THAT THE DRIVER COULD NOT RECREATE THE INCIDENT PERFECTLY. THE DRIVER WAS ONLY ABLE TO MAKE IT SO THAT THE S/S MECHANISM WOULD RESTART THE ENGINE AFTER THE DRIVER RE BUCKLED HIS SEAT BELT AND SUBSEQUENTLY DEPRESSED THE ACCELERATOR MOST OF THE WAY DOWN (NOT REQUIRING THE DRIVER TO SHIFT THE VEHICLE INTO P OR N AND RESTARTING THE ENGINE).

**NHTSA ID Number:** 11315812

**Complaint Submitted:** March 3, 2020

**Date of Incident:** March 1, 2020

**Consumer Location:** South San Francisco, CA

**Vehicle Identification No. (VIN):** 3VW6T7AU9KM

**Summary of Complaint:**

MY 2019 VW GTI-S IS EQUIPPED WITH A DSG TRANSMISSION. I WAS DRIVING IT IN MANUAL SPORT MODE ON THE FREEWAY ON SUNDAY 1 MARCH 2020. AFTER GETTING OFF OF THE FREEWAY AND ONTO THE CITY SURFACE STREETS, THE CAR STALLED WHEN I CAME TO A STOP. I THOUGHT IT WAS BECAUSE I HAD NOT TURNED OFF THE ENGINE START/STOP DEFECT FEATURE OFF BUT THAT WAS NOT THE CASE. ANOTHER 6-7 STALLS OCCURRED AS I DROVE THE CAR THE FEW MILES BACK HOME AFTER DROPPING OFF A FRIEND.

THERE WERE 4-5 PREVIOUS INDIVIDUAL INCIDENTS PRIOR TO SUNDAY.

ON MONDAY 2 MARCH WHILE I DROVE THE CAR HOME ON THE FREEWAY IN STOP AND GO COMMUTE TRAFFIC THERE WERE NO PROBLEMS; HOWEVER AFTER EXITING THE FREEWAY THE CAR STALLED AGAIN 3 SEPARATE TIMES AFTER I CAME TO A FULL STOP AT THE SIGNALS AND STOP SIGNS LEADING TO MY HOME.

**NHTSA ID Number:** 11318971

**Complaint Date:** March 22, 2020

**Incident Date** March 21, 2020

**Consumer Location** CATASAUQUA, PA

**Vehicle Identification Number** 3VW5T7AU9KM\*\*\*\*

**Summary of Complaint**

I HAVE A 2019 VOLKSWAGEN GTI 6 SPEED MANUAL TRANSMISSION. WHILE I WAS OUT RUNNING ERRANDS TO THE LOCAL FOOD STORE AND HARDWARE STORE, I CAME TO A COMPLETE AND FULL STOP AT A STOP SIGN. AT THIS TIME THE CAR WAS IN NEUTRAL WITH THE CLUTCH PEDAL DISENGAGED AND THE BRAKE PEDAL DEPRESSED. I NOTICED THE CAR HAD A SOFT STALL. THIS HAPPENED A TOTAL OF ABOUT 6 TIMES. IT IS ALMOST AS IF THE CAR HAS THE AUTO STOP FEATURE THAT TURNS THE ENGINE OFF AT A FULL AND COMPLETE STOP BUT MY CAR IS NOT EQUIPPED WITH THAT OPTION. I FEEL AS IF THE ENGINE IS THE PROBLEM BECAUSE IT IS CUTTING OFF. I ALSO FEEL IT COULD BE THE TRANSMISSION THINKING THAT THE CAR IS IN A DIFFERENT GEAR AND NOT ENOUGH RPM'S TO SUSTAIN THAT GEAR. I ALSO FEEL IT COULD BE A VACUUM LEAK WHICH IS NOT SENDING THE RIGHT SIGNALS TO THE ENGINE COMPUTER OR SOMETHING ELSE. AT THE TIME OF THIS HAPPENING IT WAS SUNNY AND IN MID FIFTIES IN TEMPERATURE.

**NHTSA ID Number:** 11344148

**Complaint Date:** August 9, 2020

**Incident Date:** August 8, 2020

**Consumer Location:** SANTA MONICA, CA

**Vehicle Identification Number:** 3VW5T7AU4KM\*\*\*\*

**Summary of Complaint**

I HAVE A 2019 GTI SE 6MT. AT LOW SPEEDS, COMING TO A STOP, WITH CLUTCH ENGAGED, THE CAR WILL STALL. NO WARNING LIGHTS OR NOTICEABLE SOUNDS APPEAR, BUT THE ENGINE JUST TURNS OFF. SOMETIMES YOU DON'T KNOW IT'S OFF UNTIL YOU TRY TO ACCELERATE. A COUPLE OF TIMES THE ENGINE WOULD QUIETLY SHUT OFF WHILE THE CAR WAS IN MOTION WITH CLUTCH ENGAGED AND GEAR IN NEUTRAL. THE FREQUENCY OF THIS OCCURENCE IS HIGHER WHEN IM IN STOP AND GO TRAFFIC. I PURCHASED MY CAR BRAND NEW YESTERDAY, 11/18/2019, WITH LESS THAN 30 MILES. THE STALLING OCCURRED THE NEXT DAY ON 11/19/2019 IN BUMPER TO BUMPER TRAFFIC. TO PROIVDE CONTEXT, I'VE BEEN DRIVING MANUAL TRANSMISSIONS 13 YEARS, WITH MY PREVIOUS CAR BEING A 6MT 2013 GTI, AND NEVER ENCOUNTERED THIS TYPE OF ISSUE BEFORE. TO TEST WHETHER IT'S HUMAN ERROR, I CONCIOUSLY PRESSED DOWN ON THE CLUTCH AS HARD AS I COULD AND KEPT IT ENGAGED UNTIL FULL STOP TO ENSURE I WASN'T RELEADING TOO EARLY, BUT THE ISSUE STILL PERSISTED. I'VE STALLED OVER 10 TIMES IN A DAY, WHICH APPEARS TO OCCUR AT RANDOM, BUT MORESO DURING LOW SPEED, STOP AND GO DRIVING. BECAUSE OF THE SUBTLE ENGINE SHUTOFF, LEFT TURNS FROM A STANDSTILL CAN BE EXTREMELY DANGEROUS DUE TO STALLING ON ONCOMING TRAFFIC WITHOUT KNOWING YOUR ENGINE IS OFF, AMONGST THE OTHER DANGEROUS IMPLICATIONS OF THIS ISSUE. PLEASE CONSIDER THIS A SERIOUS ISSUE, WHICH APPEARS TO BE IMPACTING MANY OTHER 2019 GTI 6MT OWNERS.

**2019 Jetta**

**NHTSA ID Number:** 11216921

**Complaint Date May 30, 2019**

**Incident Date** May 29, 2019

**Consumer Location** EL CENTRO, CA

**Vehicle Identification Number** 3VW5T7BU8KM\*\*\*\*

**Summary of Complaint**

MY MANUAL TRANSMISSION-EQUIPPED 2019 JETTA GLI (2.0T) STALLS AT SLOW SPEEDS AND AT STOP LIGHTS DESPITE THE CLUTCH PEDAL FULLY ENGAGED ("TO THE FLOOR") OR THE VEHICLE COASTING IN NEUTRAL. I HAVE HAD THE CAR FOR THREE DAYS AND IN TWO OF THOSE DAYS, THE VEHICLE HAS STALLED WHILE DRIVING THROUGH CITY STREETS AND AT STOP LIGHTS. THE FIRST OCCURRENCE HAPPEN AT APPROXIMATELY 100 MILES ON THE ODOMETER, WITH THE SECOND AT AROUND 120 MILES. THE VEHICLE SHOWED NO PREEMPTIVE SIGNS OF A STALL, AND NECESSITATED A FULL RE-IGNITION OF THE ENGINE IN ORDER TO PROCEED OUT OF TRAFFIC. A QUICK SEARCH OF "2019 JETTA GLI/GTI STALLING ISSUE" RETURNS A LARGE LIST OF IDENTICAL OCCURRENCES WITH MANUAL TRANSMISSIONS IN 2019-BUILT ENGINES/DRIVETRAINS.

**NHTSA ID Number:** 11217691

**Complaint Date June 4, 2019**

**Incident Date** June 2, 2019

**Consumer Location** ATLANTA, GA

**Vehicle Identification Number** 3VWN57BU1KM\*\*\*\*

**Summary of Complaint**

"HILL HOLD ASSIST" DOES NOT DISENGAGE QUICKLY IN MANUAL TRANSMISSION VEHICLES WHEN STOPPED FACING UP AN INCLINE CAUSING THE DRIVER TO EITHER STALL THE VEHICLE POTENTIALLY IN DANGEROUS SITUATIONS OR BURN THE CLUTCH WHILE ATTEMPTING TO GET THE VEHICLE MOVING CAUSING PREMATURE CLUTCH WEAR. OFTEN TIRES SPIN ONCE THE BRAKE IS RELEASED CAUSING PREMATURE TIRE WEAR. THIS COULD EASILY BE SOLVED WITH SOFTWARE UPGRADES ALLOWING THE DRIVER TO DISABLE THIS FEATURE AND/OR REFINING THE RELEASE TO BE MORE INSTANTANEOUS.

**NHTSA ID Number:** 11234974

**Complaint Date July 26, 2019**

**Incident Date** July 24, 2019

**Consumer Location** FRESNO, CA

**Vehicle Identification Number** 3VW6T7BU8KM\*\*\*\*

**Summary of Complaint**

ENGINE STALLS OCCASIONALLY, I HAVE THE DSG AUTOMATIC TRANSMISSION AND SOMETIMES WHEN I AM AT A COMPLETE STOP, THE ENGINE TURNS OFF

AND A REQUEST DISPLAYS ON THE SCREEN ASKING ME TO MANUAL RESTART THE ENGINE. THIS HAS HAPPENED TO ME 5 TIMES ALREADY SINCE I'VE PURCHASED THE VEHICLE LAST A FEW DAYS AGO. THE VEHICLE HAS ABOUT 400 MILES ON IT, I'VE PURCHASED IT NEW.

I'M CONCERNED THAT THE ENGINE MIGHT STALL ON THE HIGHWAY AND I'M CONCERNED ABOUT MY SAFETY WITH THE VEHICLE.

**NHTSA ID Number:** 11241648

**Complaint Date August 4, 2019**

**Incident Date** August 4, 2019

**Consumer Location** CHICAGO, IL

**Vehicle Identification Number** 3VW5T7BU9KM\*\*\*\*

**Summary of Complaint**

THIS IS A BRAND NEW MANUAL TRANSMISSION JETTA GLI WITH ONLY 160 MILES. AFTER DRIVING FOR ABOUT 16 MINUTES AT HIGHWAY SPEEDS ON THE EXPRESSWAY, THE CAR QUIETLY STALLED OUT WHILE COMING TO A STOP ON AN EXIT RAMP. I RESTARTED THE CAR, DROVE TO A STOPLIGHT ABOUT A MINUTE AWAY AND AFTER COMING TO A STOP AT THAT LIGHT THE CAR STALLED AGAIN. WAS ABLE TO RESTART THE VEHICLE ONCE AGAIN AND DRIVE OFF.

THIS IS A VERY DANGEROUS SITUATION IF THE CAR WAS TO STALL IN THE MIDDLE OF A TURN OR AT HIGH SPEED ON AN EXPRESSWAY.

**NHTSA ID Number:** 11244139

**Complaint Date August 15, 2019**

**Incident Date** July 15, 2019

**Consumer Location** NORTH CHARLESTON, SC

**Vehicle Identification Number** 3VW5T7BU7KM\*\*\*\*

**Summary of Complaint**

ON MY MANUAL TRANSMISSION GLI, THE ENGINE STALLS INTERMITTENTLY. IT HAS HAPPENED AT A COMPLETE STOP, AT WALKING SPEED, AND ONCE AROUND 10MPH. IT HAS HAPPENED WITH THE CLUTCH PEDAL COMPLETELY DEPRESSED WITH THE SHIFTER IN NEUTRAL OR IN GEAR, AND HAS ALSO HAPPENED WHILE IDLING IN NEUTRAL WITH FOOT COMPLETELY OFF THE CLUTCH. IT IS NOT A HARD STALL LIKE LEARNING TO DRIVE STICK. IT JUST STRUGGLES AND SOFTLY DIES OUT. I HAVE ALSO NOTICED THAT THE GEAR INDICATOR WILL TEND TO DISPLAY THE WRONG GEAR, PARTICULARLY WHEN DOWNSHIFTING. I'VE ALSO NOTICED THAT THE ENGINE RPM'S ARE SOMETIMES AFFECTED SIMPLY BY PUSHING IN AND LETTING OUT THE CLUTCH. I FIRST NOTICED THIS PARKED IN MY LEVEL CARPORT. WITH THE CAR IN NEUTRAL, PUSHING IN AND LETTING THE CLUTCH OUT WILL RESULT IN A BRIEF SLIGHT RPM SPIKE. ON OTHER OCCASIONS IT IS COMPLETELY ABSENT LIKE NORMAL OPERATION. I CLASSIFIED THIS AS POWER TRAIN, BUT IT COULD BE ENGINE, TRANSMISSION, COMPUTER MANAGEMENT, ETC.

**NHTSA ID Number:** 11253561

**Complaint Date September 6, 2019**

**Incident Date** September 5, 2019

**Consumer Location** GROVETOWN, GA

**Vehicle Identification Number** 3VW5T7BU0KM\*\*\*\*

**Summary of Complaint**

CAR CONSISTENTLY STALLS WHEN COMING TO A STOP. WILL STALL EVEN IN NEUTRAL WITH THE CLUTCH DEPRESSED. WILL DRIVE FINE SOMETIMES AND SOMETIMES IT WILL STALL 15+ TIMES IN A SINGLE TRIP. IT HAS ALMOST CAUSED AN ACCIDENT WHEN TRYING TO TURN IN AN INTERSECTION MULTIPLE TIMES NOW. STARTED AROUND 1,200 MILES ON THE CAR AND HAPPENS FREQUENTLY.

**NHTSA ID Number:** 11254511

**Complaint Date September 10, 2019**

**Incident Date** September 6, 2019

**Consumer Location** SUMMERTOWN, SC

**Vehicle Identification Number** 3VW5T7BU2KM\*\*\*\*

**Summary of Complaint**

WHEN COMING TO A STOP THE VEHICLE WOULD STALL WITHOUT WARNING WITH THE TRANSMISSION IN NEUTRAL AND THE CLUTCH ALL THE WAY OUT. SEEMS TO OCCUR WHEN THE VEHICLE IS DRIVING FOR A WHILE AND GETS HOT. VEHICLE IS AT 2460 MILES AND DID IT OFF AND ON SINCE 32 MILES.

**NHTSA ID Number:** 11255697

**Complaint Date September 16, 2019**

**Incident Date** September 12, 2019

**Consumer Location** STATEN ISLAND, NY

**Vehicle Identification Number** 3VW6T7BU0KM\*\*\*\*

**Summary of Complaint**

CAR WILL STALL OUT WHEN COMING TO A STOP WHILE IN MANUAL MODE OF DSG TRANSMISSION, WITH START/STOP DEACTIVATED. DRIVER IS PLACED IN A DANGEROUS SITUATION, MUST PUT THE CAR IN PARK TO RESTART VEHICLE.

**NHTSA ID Number:** 11256575

**Complaint Date September 19, 2019**

**Incident Date** September 14, 2019

**Consumer Location** MADISON, TN

**Vehicle Identification Number** 3VW5T7BU1KM\*\*\*\*

**Summary of Complaint**

2019 JETTA GLI 6MT. CAR WILL STALL WHEN COMING TO A STOP IN FIRST, SECOND, AND NEUTRAL. WHEN IN NEUTRAL, CLUTCH CAN BE EITHER IN OR OUT TO REPLICATE ISSUE. HAS HAPPENED WHEN COASTING TO A STOP AT <10 MPH, AS WELL AS WHEN AT A STOP. TYPICALLY TAKES 2-5 SECONDS FOR CAR TO SHUT DOWN. CAR CURRENTLY HAS ~600 MILES ON IT, HAS BEEN HAPPENING

SINCE I GOT THE CAR DELIVERED (TOOK DELIVERY AT 300 MILES DUE TO DEALERSHIP DELIVERING CAR TO MY HOUSE).

**NHTSA ID Number:** 11257798

**Complaint Date September 24, 2019**

**Incident Date** September 24, 2019

**Consumer Location** GRANGER, IN

**Vehicle Identification Number** 3VW5T7BU5KM\*\*\*\*

**Summary of Complaint**

VEHICLE STALLS WHEN CLUTCH IS DEPRESSED, PLACED BACK INTO NEUTRAL, WHEN COMING TO A STOP. THE STALLING HAPPENS MORE FREQUENTLY AFTER THE CAR HAS BEEN DRIVEN FOR 15-30 MINUTES. STALL OCCURS WHIL ROLLING TO A STOP

**NHTSA ID Number:** 11266094

**Complaint Date October 4, 2019**

**Incident Date** September 23, 2019

**Consumer Location** RANCHO CUCAMONGA, CA

**Vehicle Identification Number** 3VW5T7BU4KM\*\*\*\*

**Summary of Complaint**

MY CAR IS 2 WEEKS OLD WITH 400 MILES ON THE CAR. SINCE THE ODOMETER HAD APROX 100 MILES ON IT THE CAR HAS BEEN HAVING A ISSUE WITH STALLING WHEN COMING TO A STOP. IN THE PAST 2 WEEKS IT HAS STALLED APROX 26 TIMES WHEN COMING TO A STOP. I HAVE BROUGHT THE CAR BACK TO THE DEALERSHIP FOR THIS ISSUE BECAUSE THE CAR STALLED 3 TIMES IN A 15 MILE DRIVE ON THE FREEWAY IN BUMPER TO BUMPER TRAFFIC. THE CAR IS VERY UNPREDICTABLE AS TO WHEN IT WILL DECIDE TO STALL BUT BECOMES A VERY DANGEROUS SITUATION WHEN COMMUTING ON THE FREEWAY AND IT DECIDES TO STALL. THE CAR IS A MANUAL TRANSMISSION AND DOES NOT HAVE THE AUTO START STOP FUNCTION BUT STALLS OUT WHEN COMING TO A STOP. I HAVE INFORMED THE DEALERSHIP THAT THIS CAR IS VERY DANGEROUS TO HAVE MY FAMILY OR ANYONE RIDE IN AS YOU DO NOT KNOW IF IT WILL FAIL AND PUT YOU AT RISK OF BEING HIT BY ANOTHER VEHICLE. THIS IS A BRAND NEW CAR AND SHOULD NOT HAVE STALLING OR ENGINE FAILURES AT ANY POINT LET ALONE HAVING OVER 20 IN A 2 WEEK PERIOD. THE CAR IS AT VW BEING EVALUATED BUT I DO NOT FEEL COMFORTABLE OR SAFE KNOWING THIS SITUATION IS HAPPENING.

**NHTSA ID Number:** 11267874

**Complaint Date October 11, 2019**

**Incident Date** October 11, 2019

**Consumer Location** SUNRISE, FL

**Vehicle Identification Number** 3VWCB7BU7KM\*\*\*\*

**Summary of Complaint**

2019 JETTA SE PURCHASE DATE 9/28/19, LOUD RATTLE/VIBRATION/ SHUDDER UNDERCAR DRIVERS SIDE, ALWAYS THERE ON LIGHT LOAD ACCELERATION

1600-1800 RPM.

CAR SHUDDERS UNDER LOAD 30-40 MPH, ACCELERATION DIMINISHED TO LIMP APPROX 5 SECONDS, ENGINE KEEPS RUNNING, NO STALL BUT FEELS AS THOUGH IT IS READY TO STALL.

INQUIRED WITH DEALER SERVICE DEPARTMENT, HAS NEVER HEARD OF THESE CONCERNS.

CAR FEELS UNSAFE WITH POTENTIAL TO STALL ON ACCELERATION, DRIVELINE HAS LOUD RUMBLE AND SHUDDER, WORSENING DAILY, TODAYS MILEAGE 590.

CONDITIONS ARE WHEN RUNNING AND UNDER LIGHT LOAD AND HIGHWAY MERGING ACCELERATION.

CAR DOES NOT MERGE WELL DUE TO REDUCED POWER THAT FEELS PROPORTIONAL AND DUE TO UNDER CAR SHUDDER.

**NHTSA ID Number:** 11278127

**Complaint Date** November 4, 2019

**Incident Date** October 6, 2019

**Consumer Location** ALTA LOMA, CA

**Vehicle Identification Number** 3VW5T7BU9KM\*\*\*\*

**Summary of Complaint**

I PURCHASED MY VW JETTA AUTOBAHN EDITION 6 SPEED MANUAL TRANSMISSION (BUILD DATE OF 07/19) ON 10/06/2019. IT WAS PURCHASED NEW WITH UNDER 10 MILES ON IT AND SINCE DAY 1 WHEN I DROVE IT HOME, I HAVE BEEN EXPERIENCING EXCESSIVE STALLING IN LOW SPEEDS. THE ENGINE TURNS OFF WITHOUT WARNING AS I SLOW TO A STOP AND HAPPENS WITH OR WITHOUT THE CLUTCH ENGAGED AND ALSO WHEN THE VEHICLE IS IN NEUTRAL. ALL OF THE STALLS HAVE OCCURRED WHILE I HAVE BEEN DRIVING ON CITY STREETS AND SEEMS TO BE HAPPENING IN THE AFTERNOONS MAINLY AND ONLY AFTER I HAVE BEEN DRIVING FOR ABOUT 10+ MILES BUT ONCE THE FIRST STALL OCCURS, THE VEHICLE WILL STALL AGAIN WITHIN 1-2 MILES THEREAFTER. ON A SINGLE DRIVE, IT HAS STALLED UP TO 5-6 TIMES. I AM ALSO EXPERIENCING INCORRECT GEAR INDICATOR. FOR EXAMPLE, IF I AM IN 3RD GEAR, THE VEHICLE REGISTERS THAT I AM IN 5TH GEAR AND VICE VERSA. MY VEHICLE HAS UNDER 2K MILES AND IS CURRENTLY AT THE DEALER AND THEY ARE ATTEMPTING TO FIGURE OUT THE PROBLEM. THE SERVICE MANAGER I DEALT WITH MENTIONED THAT HE, PERSONALLY, HAS WORKED WITH 2 CUSTOMERS THAT HAVE PRESENTED THE SAME PROBLEM. 1 CUSTOMER HAD HIS VEHICLE "BOUGHT BACK" AND THE OTHER, WHICH WAS A MONTH AGO, HAD HIS "THROTTLE VALVE" REPLACED AND HAS NOT HAD THE PROBLEM RETURN. I HAVE VIDEO OF INSTANCES TO SUPPORT THIS CLAIM, HOWEVER THE FILE SIZE IS TOO LARGE TO UPLOAD. \*TR

**NHTSA ID Number:** 11279232

**Complaint Date November 10, 2019**

**Incident Date** November 8, 2019

**Consumer Location** OCALA, FL

**Vehicle Identification Number** 3VW5T7BU1KM\*\*\*\*

**Summary of Complaint**

EVERY SENSE I BOUGHT MY JETTA OVER THE LAST FEW MONTHS IT STALLS OUT WHEN SLOWING DOWN TO A STOP AND WHEN STARTING FROM A STOP. THE RPM'S WILL GO UP BUT THEN DROP IMMEDIATELY. IT'S HAPPENED QUITE A FEW TIMES. I'VE CALLED MY LOCAL VOLKSWAGEN DEALER AND THEY SAID THEY HAVE NOT HEARD OF ANY OTHER ISSUES LIKE THIS. IT STALLED OUT TWICE ON MY WHEN DRIVING HOME THE OTHER NIGHT IT HAS ALMOST CAUSED ME TO BE REAR ENDED A FEW DIFFERENT TIMES TO THE POINT I'M SCARED TO DRIVE WITH MY NEPHEWS IN THE CAR. WHEN I'M SLOWING DOWN I PUSH IN THE CLUTCH AND THE RPM'S WITH SHOOT UP AND THEN STALL OUT IT DOESN'T MATTER IF I GIVE IT MORE THROTTLE OR NOT. THE SAME THING HAPPENS WHEN I'M STARTING FROM A START AT LOW SPEED. IT HAPPENS MOSTLY ON CITY STREET. HAS HAPPENED ONCE ON THE HIGHWAY WHEN I WAS SLOWING DOWN FOR BUMPER TO BUMPER TRAFFIC.

**NHTSA ID Number:** 11281546

**Complaint Date November 21, 2019**

**Incident Date** November 21, 2019

**Consumer Location** CHICAGO, IL

**Vehicle Identification Number** 3VW5T7BUXKM\*\*\*\*

**Summary of Complaint**

VEHICLE WILL STALL AT TIMES WHEN COMING TO COMPLETE STOP, OR WHEN COASTING IN NEUTRAL, WITH CLUTCH PEDAL DEPRESSED. VW DEALER RESET ECU ADAPTATIONS. ISSUE STILL REMAINS.

**NHTSA ID Number:** 11292489

**Complaint Date January 1, 2020**

**Incident Date** January 1, 2020

**Consumer Location** ATLANTA, GA

**Vehicle Identification Number** 3VW5T7BU4KM\*\*\*\*

**Summary of Complaint**

THE VEHICLE IS A 6-SPEED MANUAL TRANSMISSION. THE VEHICLE WILL STALL OUT WHEN COMING TO A STOP. NOT USER ERROR, SINCE THE STALLING HAPPENS WHEN THE CAR IS IN NEUTRAL - COASTING TO A STOP. STALL OUT IS VERY SOFT - AKIN TO JUST SHUTTING OFF THE ENGINE. THIS HAPPENS NEARLY EVERY STOP AFTER RUNNING THE CAR FOR ABOUT 15 MINUTES. THIS PHENOMENON IS REPEATABLE AND EXTREMELY UNSAFE.

**NHTSA ID Number:** 11320116

**Complaint Date April 3, 2020**

**Incident Date** April 4, 2019

**Consumer Location** TYRONE, PA

**Vehicle Identification Number** 3VWST7BUOKM\*\*\*\*

**Summary of Complaint**

TL\* THE CONTACT OWNS A 2019 VOLKSWAGEN JETTA. THE CONTACT STATED THAT ON MULTIPLE OCCASIONS WHILE STOPPED ON AN INCLINE, THE HILL ASSIST FEATURE CAUSED THE VEHICLE TO STALL INTERMITTENTLY WITHOUT WARNING. THE FAILURE OCCURRED WHEN THE ACCELERATOR PEDAL WAS DEPRESSED. THE CONTACT STATED THAT THE STALL LASTED APPROXIMATELY 3 SECONDS. THE VEHICLE WAS TAKEN TO FIORE VOLKSWAGEN (1000 S LOGAN BLVD, HOLLIDAYSBURG, PA 16648), ON THREE SEPARATE OCCASIONS. THE CONTACT WAS INFORMED THAT THE VEHICLE PERFORMED AS DESIGNED. THE VEHICLE WAS NOT REPAIRED. THE MANUFACTURER WAS NOTIFIED OF THE FAILURE. THE FAILURE MILEAGE WAS UNKNOWN. THE VIN WAS NOT AVAILABLE. \*DT\*JB

**NHTSA ID Number:** 11321370

**Complaint Date** April 17, 2020

**Incident Date** April 17, 2020

**Consumer Location** RIVERSIDE, CA

**Vehicle Identification Number** 3VW5T7BU7KM\*\*\*\*

**Summary of Complaint**

WHEN I'M DRIVING THE CAR WILL JUST STALL OUT OF NOWHERE, THEN AFTER THIS HAPPENS I WOULD START THE VEHICLE BACK UP AND IT WILL CUT OFF

**NHTSA ID Number:** 11360647

**Complaint Date:** September 23, 2020

**Incident Date:** May 19, 2020

**Consumer Location:** ATHENS, TX

**Vehicle Identification Number:** 3VWC57BU2KM\*\*\*\*

**Summary of Complaint**

RECENTLY PURCHASED A 2019 VW JETTA AND HAVING THE SAME ISSUES THAT MANY OF THE OTHER OWNERS ARE EXPERIENCING. UNDER LOW ACCELERATION IT STALLS AND MAKES A GRINDING, WHIRRING SOUND BELOW 20-30 MPH. IT MAKES ME TIMID TO DRIVE IT BECAUSE IT HAS ALMOST CAUSED PEOPLE TO REAR END ME DUE TO THE STALL. IT FALLS ON ITS FACE WHEN YOU NEED IT TO MOVE. I'M CONCERNED AS THE NOISE HAS GOTTEN LOUDER THE LAST FEW MONTHS. I HAVE NOT TAKEN IT TO THE DEALERSHIP YET, BUT NOW UPON READING ALL OF THE CONCERNs, IT SEEMS TO BE A WASTE OF TIME TO TAKE IT TO THE DEALER.

**2018 Tiguan**

**NHTSA ID Number:** 11114461

**Complaint Date** July 30, 2018

**Incident Date** July 27, 2018

**Consumer Location** WOODBRIDGE, CT

**Vehicle Identification Number** 3VV2B7AX5JM\*\*\*\*

**Summary of Complaint**

THIS VEHICLE HAS A DRIVE ABILITY PROBLEM. THE CAR HAS A MAJOR HESITATION AND IS VERY DANGEROUS WHEN PULLING ONTO THE HIGHWAY. THE CAR ALMOST CUTS OUT BUT DOESN'T STALL AND FIND IT VERY DANGEROUS. THE DEALER TOLD ME THAT NOTHING IS WRONG WITH IT. ALSO, THERE WAS A RECALL ON MY AMBIENT LIGHTING ON MY SUNROOF. THERE COULD BE A LEAK OR HUMIDITY COULD AFFECT THE WIRING AND COULD CAUSE A FIRE. THERE FIX IS TO DISCONNECT IT. I HAVE NO SUNROOF LIGHTING. I SHOULD GET A REFUND FOR SOMETHING THEY TOOK AWAY

**NHTSA ID Number:** 11156726

**Complaint Date** August 19, 2018

**Incident Date** July 15, 2018

**Consumer Location** RICHMOND, VA

**Vehicle Identification Number** 3VV2B7AXXJM\*\*\*\*

**Summary of Complaint**

I PURCHASED MY TIGUAN SE 4MOTION IN JULY 2018 AND SINCE I HAVE OWNED THE VEHICLE I HAVE HAD ISSUES WITH THE ACCELERATION AND NOISE COMING FROM THE PASSENGER SIDE B PILLAR. THE ACCELERATION FEELS LIKE A TURBO LAG FROM THE START WHERE THE GAS PEDAL IS PRESSED BUT THE VEHICLE HESITATES TO RESPOND CAUSING A SMALL "STALL". THIS HAPPENS IN BOTH DRIVE AND SPORT MODES. WHEN ACCELERATING UP-HILL THE VEHICLE HAS ISSUES WITH FINDING THE PROPER GEAR AND CONSTANTLY SEARCHES FOR A GEAR TO SETTLE ON. THE B PILLAR NOISE SOUNDS LIKE LOUD CLICKING WHEN GOING OVER BUMPS AND RUTS IN THE ROAD AND EVEN MAKES A NOISE WHEN OPENING THE DOOR TO ITS FULLEST.

**NHTSA ID Number:** 11112369

**Complaint Submitted:** July 19, 2018

**Date of Incident:** January 15, 2018

**Consumer Location:** Kemah, TX

**Vehicle Identification No. (VIN):** 3VV3B7AX3JM

**Summary of Complaint:**

WE PURCHASED OUR 2018 TIGUAN IN JANUARY OF THIS YEAR FROM MOMENTUM VOLKSWAGEN OF CLEAR LAKE. OUR CAR HAS BEEN IN 3 TIMES FOR SERVICE AND EACH TIME (AT 5K, 10K, AND 15 MILES), I HAVE EXPLAINED TO THE SERVICE WRITERS THAT MY CAR HAS A LAG, A STOP IN THE THROTTLE AND TURBO, WHERE IT FAILS TO ACCELERATE IMMEDIATELY UPON PUSHING THE GAS PEDAL. THIS DELAY / HESITATION / AND ALL OUT STALLING IS PLACING ME IN VERY DANGEROUS SITUATIONS WHILE DRIVING. TWICE IN THE LAST WEEK, IT HAS COMPLETELY STALLED (ENGINE DOES NOT SHUT OFF BUT CAR WILL NOT GO) WHERE I WAS ALMOST REAR-ENDED ON THE FREEWAY IN ONE OCCASION AND ALMOST T-BONED IN AN INTERSECTION IN THE OTHER. THE FOLKS AT THE DEALERSHIP EXPLAINED THIS IS A "KNOWN CHARACTERISTIC OF THIS

VEHICLE". NOT ONE TIME, WHEN I WAS PURCHASING THIS VEHICLE WAS IT EXPLAINED TO ME THAT THE TIGUAN WOULD FAIL TO ACCELERATE AND PUT ME IN SUCH A DANGEROUS POSITION. I HAVE REPORTED THIS TO VW AND MY LOCAL NEWS MEDIA. I FIND IT ABSURD THAT THIS IS A KNOWN CHARACTERISTIC OF THE VEHICLE AND NOT ONCE WAS THIS MENTIONED AS THE REASON UNTIL MY THIRD VISIT AT 15,000 MILES WHERE THE DEPRECIATION OF MY VEHICLE MAKES IT A TOTAL LOSS FOR ME TO TRY TO EVEN GET A SAFER VEHICLE. WHY IN WORLD, HAS THIS KNOWN FAILURE OF ACCELERATION NOT BEEN REPAIRED IN ANYWAY?

**NHTSA ID Number:** 11352943

**Complaint Date:** September 3, 2020

**Incident Date:** August 1, 2019

**Consumer Location:** SUMMERTON, SC

**Vehicle Identification Number:** 3VV3B7AX2JM\*\*\*\*

**Summary of Complaint**

THE VEHICLE SIGNIFICANTLY HESITATES WHEN ACCELERATING FROM A STOP OR OCCASIONALLY SURGES UNDER HEAVIER THROTTLE PRESSURE WHILE TRYING TO ACCELERATE ONTO THE HIGHWAY. YOU HAVE TO PUSH THE GAS ALL THE WAY TO FLOOR TO GET A RESPONSE FROM THE VEHICLE FROM A DEAD STOP. THE VEHICLE WILL START TO GO THEN ACT LIKE IT IS GOING TO STALL THEN START TO MOVE. IT IS VERY CONCERNING WHEN TRYING TO PULL INTO TRAFFIC. THIS HAS BEEN AN ISSUE SINCE THE VEHICLE WAS PURCHASED IN 2018, BUT THE ISSUE SEEMS TO BE GETTING WORSE AS THE VEHICLE GETS MORE MILEAGE. I BEGAN RESEARCHING THE ISSUE ONLINE AND THIS SEEMS TO BE A COMMON ISSUE. PLEASE SEE LINK:

[HTTPS://M.CARCOMPLAINTS.COM/VOLKSWAGEN/TIGUAN/2018/FUEL\\_SYSTEM/FUEL\\_PROPULSION\\_SYSTEM.SHTML](https://m.carcomplaints.com/volkswagen/tiguan/2018/fuel_system/fuel_propulsion_system.shtml)

**2019 Tiguan**

**NHTSA ID Number:** 11268473

**Complaint Date October 15, 2019**

**Incident Date** October 14, 2019

**Consumer Location** INDEPENDENCE, MO

**Vehicle Identification Number** 3VV1B7AX1KM\*\*\*\*

**Summary of Complaint**

OUR 2019 VW TIGUAN WITH 2 LITER TURBO MOTOR HAS A RANDOM AND REPEATED ENGINE "STALL" ISSUE. THE ENGINE DOES NOT DIE BUT REMAINS AT IDLE (1000 RPM), IN EITHER D OR S AUTO TRANS MODE, BUT THERE IS NO FORWARD MOVEMENT EVEN THOUGH THE GAS PEDAL IS AGAINST FLOOR BOARD AND THEN THERE IS A RUSH OF POWER, THIS DELAY LASTS FROM 1 TO 5 SECONDS, JUST ENOUGH TO CAUSE TRAFFIC MERGING ISSUES. THIS PROBLEM USUALLY OCCURS FROM STANDING START WHEN DRIVEN STRAIGHT AHEAD OR TURNING. SO FAR HAS NOT OCCURRED ABOVE 50MPH WHEN ENTERING

FREEWAY.

THIS HAS OCCURRED SINCE CAR WAS DELIVERED NEW WITH 40 MILES ON ODOMETER AND CONTINUES NOW AT 1200 MILES AND USUALLY AT SPEEDS FROM 0 - 25 MPH AND UNDER 2000 RPM. I SPOKE TO THE LOCAL VW SERVICE MANAGER AND HE SUGGESTED IT WAS JUST TURBO LAG. I HAVE OWNED TURBO CARS IN PAST AND THIS IS NOT TURBO LAG, IT IS A LOSS OF "SIGNAL" DUE TO DRIVE BY WIRE TECHNOLOGY WHICH SHOULD NEVER BE ALLOWED ON A VEHICLE!!!!!!!!!!!!!! OTHERWISE THE MOTOR OPERATES FINE, PROVIDING DECENT GAS MILEAGE AND POWER WHEN ON-BOOST ABOVE 2000 RPM. OUR LAST NEW CAR A 2016 GMC TERRAIN WAS ALSO DRIVE BY WIRE BUT NEVER EXHIBITED THIS ISSUE. THERE ARE NUMEROUS COMPLAINTS ONLINE DUPLICATING THIS PROBLEM WHICH I HAD HOPED WAS CLEARED UP IN OLDER VERSIONS, EVIDENTLY NOT.

**NHTSA ID Number:** 11327194

**Complaint Date:** June 3, 2020

**Incident Date:** June 1, 2020

**Consumer Location:** GALENA, IL

**Vehicle Identification Number:** 3VV0B7AXXKM\*\*\*\*

**Summary of Complaint**

NEW 2019 TIGUAN S 4MOTION PURCHASED IN FEB 2020 AND HAS ABOUT 8K MILES. ALREADY HAVING ISSUES WITH HARD SHIFTING (BOTH UP AND DOWN) AND HAVE HAD THE VEHICLE CHUG/STALL AND ALMOST CAUSE A CRASH 2 TIMES NOW BECAUSE IT WOULDN'T ACCELERATE. ALL OF THESE ISSUES ARE AFTER ABOUT HALF HOUR OF DRIVING. HARD DOWNSHIFT IS NORMALLY AROUND 20-30MPH AND UP SHIFT 30-40. NEVER JERKED BEFORE AND NOW IT'S HARD AND VERY UNSAFE.

**2019 Golf**

**NHTSA ID Number:** 11281274

**Complaint Date:** November 20, 2019

**Incident Date:** November 15, 2019

**Consumer Location:** ALLENDALE, NJ

**Vehicle Identification Number:** 3VW5T7AU5KM\*\*\*\*

**Summary of Complaint**

2019 GTI 6MT STALLS. THE ISSUE PRESENTS ITSELF SLOWING DOWN TO A STOP, WHERE THE ENGINE WILL SOFT STALL AND REQUIRE RESTARTING. THIS HAS HAPPENED WHEN STOPPED AT A LIGHT, AS WELL AS WHEN IN MOTION, COASTING TO A STOP. IT HAS HAPPENED ON THE HIGHWAY, IN HEAVY TRAFFIC, AS WELL AS PARKING IN A PARKING SPOT. THE UNSAFE CONDITION IS WHEN IN HEAVY TRAFFIC, IN RUSH HOUR ON RT 287 (MAJOR HIGHWAY) COASTING TO A STOP, THE ENGINE DIES AND I LOOSE CONTROL OF THE STEERING WHEEL CONTROL AND ACCELERATION. THE START STOP BUTTON NEEDS TO BE PUSHED

TO GET THE CAR TO START UP AGAIN. THE CAR IS BRAND NEW AND HAS ROUGHLY 650 MILES ON IT.

**NHTSA ID Number:** 11270430

**Complaint Date:** October 23, 2019

**Incident Date:** October 23, 2019

**Consumer Location:** OAKLAND, CA

**Vehicle Identification Number:** 3VW5T7AU8KM\*\*\*\*

**Summary of Complaint**

I HAD SOME ENGINE STALL PROBLEMS WITH THE VEHICLE WHEN FIRST PURCHASED. THE ENGINE WOULD CUT OFF QUIETLY WHILE AT A STOP LIGHT AND BEGINNING TO DEPRESS THE CLUTCH WHILE IN NEUTRAL. HAPPENED IN HEAVY TRAFFIC ON THE HIGHWAY AND IN STOP-AND-GO CITY TRAFFIC. I BROUGHT IT BACK TO THE DEALERSHIP AND THEY CLAIM TO HAVE RESET THE ENGINE CONTROL MODULE. UPON A FEW DAY AFTER RETURN, THE ENGINE CUT OFF WHILE THE CLUTCH WAS DEPRESSED IN THE MIDDLE OF A TURN.

**NHTSA ID Number:** 11245618

**Complaint Date:** August 21, 2019

**Incident Date:** August 19, 2019

**Consumer Location:** ODENTON, MD

**Vehicle Identification Number:** 3VW217AU3KM\*\*\*\*

**Summary of Complaint**

THE MOTOR COMPLETELY SHUTS OFF UNEXPECTEDLY WHILE THE CAR IS IN MOTION. SOMETIMES THERE WILL BE A LOSS PF ENGINE POWER AND A “STUTTERING” AND JERKING JUST BEFORE THE STALL OCCURS, BUT NOT ALWAYS. AT FASTER SPEEDS THERE IS A HARD THUMP AND SUDDEN DECELERATION. MY CAR HAS STALLED 14 TIMES WHILE IN MOTION AT SPEEDS FROM 20 MPH TO 60 MPH SINCE I STARTED COUNTING (THERE HAVE BEEN MORE STALLS THAN THIS). THE CAR ALSO NOW STALLS AT STOP LIGHTS, STOP SIGNS, OR SIMPLY WHILE IDLING IN NEUTRAL (I HAVE VIDEO OF THE MOTOR SHUTTING OFF). THE ISSUE FIRST APPEARED AT ABOUT 310 MILES ON THE ODOMETER ON 19 AUGUST 2019. THE CAR NOW HAS ONLY 372 MILES ON IT. ALL STALLS HAVE OCCURRED WHILE CAR WAS BEING DRIVEN IN A STRAIGHT LINE, ON BOTH LOCAL ROADS AND A STATE ROUTE HIGHWAY. THE CHECK ENGINE LIGHT DOES NOT COME ON WHEN THESE STALLS OCCUR. THERE HAVE BEEN THREE NEAR-ACCIDENTS SINCE THE PROBLEM OCCURRED. CAR WAS PURCHASED 29 JULY 2019, VEHICLE HAD 122 MILES ON IT FROM DELIVERY FROM A PENNSYLVANIA DEALER TO MY DEALER IN MARYLAND.

**NHTSA ID Number:** 11255801

**Complaint Date:** September 16, 2019

**Incident Date:** April 12, 2019

**Consumer Location:** FULTON, MD

**Vehicle Identification Number:** 3VW5T7AU9KM\*\*\*\*

**Summary of Complaint**

PURCHASED 2019 GTI RABBIT EDITION 6MT. SOON AFTER PURCHASE, VEHICLE BEGAN STALLING UNEXPECTEDLY WHEN COMING TO A STOP WHEN CAR IS IN NEUTRAL. HAS HAPPENED WHEN CLUTCH IS EITHER DEPRESSED OR NOT. SOMETIMES CAR HAS STALLED WHEN FULLY STOPPED. IN THIS CASE THE CAR STARTS IDLING ROUGHLY AND SHUDDERS BEFORE STALLING. CAR STARTS UP AGAIN WITH NO WARNING LIGHTS ILLUMINATED. CALL HAS STALLED 6+ TIMES SINCE PURCHASE. CAR HAS ALSO EXHIBITED EXCESSIVE VIBRATION COMING FROM THE ENGINE SINCE PURCHASE. DEALERS HAVE NOT REALLY BEEN HELPFUL; THEY EITHER DENY THAT THERE IS A PROBLEM OR SAY THAT THE WHEELS/TIRES NEED BALANCING, HOWEVER BALANCING AND REPLACING THE TIRES DID NOT FIX THE ISSUE. I AM POSITIVE THIS IS RELATED TO THE STALLING ISSUES. ALSO, THE GEAR NUMBER INDICATOR SOMETIMES SHOWS THAT THE CAR IS A A DIFFERENT GEAR THAN WHAT IS CURRENTLY SELECTED (I.E., CAR IS IN 4TH BUT GEAR INDICATOR INCORRECTLY SHOWS THE CAR IS IN 2ND). I HAVE SEEN THAT OTHER OWNERS HAVE THESE SAME EXACT ISSUES WHICH MEANS THAT THESE ARE MANUFACTURING DEFECTS IN THE VEHICLE. THIS IS A SAFETY ISSUE BECAUSE THE CAR COULD STALL AT ANYTIME MAKING IT HARDER TO CONTROL OR STOP, ESPECIALLY IN AN EMERGENCY.

**NHTSA ID Number:** 11298397

**Complaint Submitted:** January 10, 2020

**Date of Incident:** January 9, 2020

**Consumer Location:** Unknown

**Vehicle Identification No. (VIN):** 3VW6T7AU9KM

**Summary of Complaint:**

ENGINE STALLS REPEATEDLY WHILE SLOWING TO A STOP

**NHTSA ID Number:** 10893166

**Complaint Submitted:** August 4, 2016

**Date of Incident:** July 7, 2016

**Consumer Location:** Ashburn, VA

**Vehicle Identification No. (VIN):** 1VWAT7A35FC

**Summary of Complaint:**

RECENTLY MY 2015 VW PASSAT STALLED WHILE STOPPED AT A RED LIGHT. DEALER ADVISED THAT IT WAS GIVING CODES FOR A MALFUNCTIONING AIR INTAKE ABSOLUTE PRESSURE SENSOR. AFTER IT WAS REPLACED UNDER WARRANTY, THE ENGINE CONTINUED TO RUN VERY ROUGH AND SEEMED TO BE SLUGGISH. ON TAKING IT BACK TO THE DEALER I HAVE BEEN ADVISED THAT THE CODE FOR THE ABSOLUTE PRESSURE SENSOR HAS REAPPEARED AND VW SUSPECTS THAT IT IS AN ENGINE ELECTRICAL HARNESS PROBLEM WHICH IS DUE FOR REPLACEMENT. ADDITIONALLY, THE ESC LIGHT LIT UP ON THE DASHBOARD ONE EVENING AND STAYED ON FOR ABOUT AN HOUR AND WENT AWAY AFTER THE ENGINE HAD BEEN TURNED OFF FOR ABOUT AN HOUR. BASED ON OTHER COMPLAINTS I READ, THERE APPEARS TO BE A PATTERN IN SUCH

MALFUNCTIONS - EITHER ELECTRICAL OR COMPUTER-RELATED. IF THE CAR WERE TO STALL OR GO OUT OF CONTROL IN FULL TRAFFIC, IT COULD LEAD TO A POTENTIALLY LIFE-THREATENING SITUATION.

**NHTSA ID Number:** 11120926

**Complaint Submitted:** August 19, 2018

**Date of Incident:** August 19, 2018

**Consumer Location:** Clio, Michigan

**Vehicle Identification No. (VIN):** WVGVWV7AX4HK

**Summary of Complaint:**

WHILE DRIVING AT A CONSTANT SPEED OR DECELERATING THE ENGINE WILL STALL WITHOUT WARNING. THE ENGINE RUNS SO QUIETLY THE ONLY INDICATION THAT IT HAS STALLED IS THERE IS NO POWER AND THE STEERING BECOMES MORE DIFFICULT AS THE VEHICLE GETS SLOWER. IT DOESN'T SEEM TO MATTER YOUR SPEED, IT WILL JUST STALL AND THIS CAN BE INCREDIBLY DANGEROUS. ORIGINALLY HAPPENED IN 2017 AND TOOK TO THE VW DEALERSHIP BUT THEY COULDN'T FIND ANYTHING WRONG. IT IS HAPPENING AGAIN TODAY AND EARLIER THIS WEEK

### **CLASS ACTION ALLEGATIONS**

122. Plaintiffs bring this action on behalf of themselves, and on behalf of the following class pursuant to Fed. R. Civ. P. 23(a), 23(b)(2), and/or 23(b)(3):

**Nationwide Class:**

All persons or entities in United States who are current or former owners and/or lessees of a Class Vehicle (the “Nationwide Class”).

123. In the alternative to the Nationwide Class, and pursuant to Fed. R. Civ. P. 23(c)(5), Plaintiffs Kate and Noreen Conroy, Precourt, Pidlaoan, and Bivens seek to represent the following state subclasses only in the event that the Court declines to certify the Nationwide Class above:

**New Jersey Subclass:**

All persons or entities in New Jersey who are current or former owners and/or lessees of a Class Vehicle (the “New Jersey Subclass”).

**New York Subclass:**

All persons or entities in New York who are current or former owners and/or lessees of a Class Vehicle (the “New York Subclass”).

**Florida Subclass:**

All persons or entities in Florida who are current or former owners and/or lessees of a Class Vehicle (the “Florida Subclass”).

**California Subclass:**

All persons or entities in California who are current or former owners and/or lessees of a Class Vehicle (the “California Subclass”).

**Ohio Subclass:**

All persons or entities in Ohio who are current or former owners and/or lessees of a Class Vehicle (the “Ohio Subclass”).

124. Together, the National Class, the New Jersey Subclass, the New York Subclass, the Florida Subclass, the California Subclass, and the Ohio Subclass shall be collectively referred to herein as the “Class.”

125. Excluded from the Class are Defendants, their affiliates, employees, officers and directors, persons or entities who purchased the Class Vehicles for resale, and the Judge(s) assigned to this case. Plaintiffs reserve the right to modify, change or expand the Class definitions after conducting discovery.

126. Numerosity: Upon information and belief, the Class is so numerous that joinder of all members is impracticable. While the exact number and identities of individual members of the Class is unknown at this time, such information being in the sole possession of Volkswagen and obtainable by Plaintiffs only through the discovery process, Plaintiffs allege that tens of thousands of Class Vehicles have been sold and leased throughout the United States, including within New Jersey, New York, Florida, Ohio and California.

127. Existence and Predominance of Common Questions of Fact and Law: Common questions of law and fact exist as to all members of the Class. These questions predominate over the questions affecting individual Class members. These common legal and factual questions include, but are not limited to:

- a. whether the engines in the Class Vehicles suffer from the Engine Stalling Defect;
- b. whether the Engine Stalling Defect is a safety issue;
- c. whether Defendants concealed or failed to disclose the existence and cause of the Engine Stalling Defect in Class Vehicles;
- d. whether Defendants' conduct violates the New Jersey and/or New York and/or Florida and/or California and/or Ohio consumer protection statute(s);
- e. whether Defendants' failure to remedy the Engine Stalling Defect in Class Vehicles violates the Magnuson-Moss Warranty Act;
- f. whether Defendants have breached their express warranties;
- g. whether Defendants have breached their implied warranties;
- h. whether Defendants have been unjustly enriched through the sales of the Class Vehicles that have the Engine Stalling Defect; and
- i. whether Plaintiffs and Class members are entitled to monetary damages and/or other remedies.

128. Typicality: All of the Plaintiffs' claims are typical of the claims of the Class since Plaintiffs purchased or leased their Class Vehicle with the Engine Stalling Defect, as did each member of the Class. Furthermore, Plaintiffs and all members of the Class sustained monetary and economic injuries including, but not limited to, ascertainable loss arising out of Volkswagen's wrongful conduct. Plaintiffs are advancing the same claims and legal theories on behalf of themselves and all absent Class members.

129. Adequacy: Plaintiffs are adequate representatives because their interests do not conflict with the interests of the Class that they seek to represent, they have retained counsel competent and highly experienced in complex class action litigation, and they intend to prosecute

this action vigorously. Thus, the interests of the Class will be fairly and adequately protected by Plaintiffs and their counsel.

130. Superiority: A class action is superior to all other available means of fair and efficient adjudication of the claims of Plaintiffs and members of the Class. The injury suffered by each individual Class member is relatively small in comparison to the burden and expense of individual prosecution of the complex and extensive litigation necessitated by Volkswagen's conduct. It would be virtually impossible for members of the Class to individually and effectively redress the wrongs done to them. Even if the members of the Class could afford such individual litigation, the court system could not. Individualized litigation presents a potential for inconsistent or contradictory judgments. Individualized litigation also increases the delay and expense to all parties, and to the court system, presented by the complex legal and factual issues of the case. By contrast, the class action device presents far fewer management difficulties, and provides the benefits of single adjudication, economy of scale, and comprehensive supervision by a single court. Upon information and belief, members of the Class can be readily identified and notified based on, *inter alia*, Volkswagen's vehicle identification numbers (VINs), warranty claims, registration records, and the database of complaints.

131. Injunctive Relief: Pursuant to Fed. R. Civ. P. 23(b)(2), Volkswagen has acted or refused to act on grounds generally applicable to the Class, thereby making appropriate final injunctive relief, corresponding declaratory relief, or final equitable relief with respect to the class as a whole.

### **VIOLATIONS ALLEGED**

**COUNT I**  
**VIOLATIONS OF NEW YORK GENERAL BUSINESS LAW § 349**  
**(N.Y. GEN. BUS. LAW § 349)**  
**(On Behalf of the New York Class)**

132. Plaintiffs incorporate by reference the allegations of all foregoing paragraphs as if they had been set forth in full herein.

133. Plaintiff Precourt brings this cause of action on behalf of himself and on behalf of the members of the New York Class.

134. Plaintiff Precourt and the New York Class members are “persons” within the meaning of New York General Business Law (“New York GBL”). N.Y. Gen. Bus. Law § 349(h).

135. Defendants are “person[s],” “firm[s],” “corporation[s],” or “association[s]” within the meaning of N.Y. Gen. Bus. Law § 349.

136. New York’s General Business Law § 349 makes unlawful “[d]eceptive acts or practices in the conduct of any business, trade or commerce.” N.Y. Gen. Bus. Law § 349.

137. Defendants’ conduct, as described in this Complaint, constitutes “deceptive acts or practices” within the meaning of the New York GBL. Defendants’ deceptive acts and practices, which were intended to mislead consumers in a material way in the process of purchasing or leasing the Class Vehicles, constitute conduct directed at consumers and “consumer-oriented.” Further, Plaintiff Precourt and the New York Class members suffered injury as a result of the deceptive acts or practice.

138. Defendants’ actions, as set forth above, occurred in the conduct of business, trade or commerce.

139. Defendants participated in unfair or deceptive trade practices that violated the New York GBL as described below and alleged throughout the Complaint. By concealing the true nature of the Class Vehicles, Defendants knowingly and intentionally misrepresented and omitted material facts in connection with the sale of the Class Vehicles. Defendants

systematically misrepresented, concealed, suppressed, or omitted material facts relating to the Class Vehicles in the course of its business.

140. Defendants also engaged in unlawful trade practices by employing deception, deceptive acts or practices, fraud, misrepresentations, or concealment, suppression or omission of any material fact with intent that others rely upon such concealment, suppression or omission, in connection with the sale of the Class Vehicles.

141. Defendants' unfair and deceptive acts or practices occurred repeatedly in Defendants' trade or business, were capable of deceiving a substantial portion of the purchasing public, and imposed a serious safety risk on the public.

142. Defendants knew that the risks inherent in the Class Vehicles made them not suitable for their intended use.

143. Defendants knew or should have known that their conduct violated the New York GBL.

144. Had Plaintiff Precourt and the New York Class members known the truth about the Class Vehicles, they would not have purchased them or would have paid substantially less for them. Plaintiff Precourt and the New York Class did not receive the benefit of their bargain as a result of Defendants' misconduct.

145. Defendants owed Plaintiff Precourt and the New York Class members a duty to disclose the truth about the Class Vehicles because Defendants: (a) possessed exclusive, specific and superior knowledge of the true nature of the Class Vehicles; (b) intentionally concealed the foregoing from Plaintiff and the New York Class members; and/or (c) made incomplete representations regarding the Class Vehicles, while purposefully withholding material facts from Plaintiff Precourt and the New York Class members that contradicted these representations.

146. Plaintiff Precourt and the New York Class members suffered injury in fact to a legally protected interest. As a result of Defendants' conduct, Plaintiff Precourt and the New York Class members were harmed and suffered actual damages.

147. Defendants' violations present a continuing risk to Plaintiff Precourt and the New York Class members, as well as to the general public. Defendants' unlawful acts and practices complained of herein affect the public interest.

148. Pursuant to N.Y. Gen. Bus. Law § 349(h), Plaintiff Precourt and the New York Class members seek actual damages or \$50, whichever is greater, in addition to discretionary three times actual damages up to \$1,000 for Defendants' willful and knowing violation of N.Y. Gen. Bus. Law § 349. Plaintiff Precourt and the New York Class members also seek attorneys' fees, an order enjoining Defendants' deceptive conduct, and any other just and proper relief available under the New York GBL.

**COUNT II**  
**VIOLATIONS OF THE FLORIDA DECEPTIVE AND UNFAIR  
TRADE PRACTICES ACT**  
**(FLA. STAT. § 501.201, ET SEQ.)**  
**(On Behalf of the Florida Class)**

149. Plaintiffs incorporate by reference the allegations of all foregoing paragraphs as if they had been set forth in full herein.

150. Plaintiffs Kate and Noreen Conroy ("Plaintiffs" for purposes of this Count) bring this claim on behalf of themselves and the members of the Florida Class against Defendants.

151. Plaintiffs and the Florida Class members are "consumers" within the meaning of Fla. Stat. § 501.203(7).

152. Defendants are engaged in "trade or commerce" within the meaning of Fla. Stat. § 501.203(8).

153. Defendants omitted disclosure of the known and material fact that the Class Vehicles possess the Engine Stalling Defect. This conduct constitutes unfair methods of competition, unconscionable acts or practices, and unfair or deceptive acts or practices within the meaning of Fla. Stat. §§ 501.204, *et seq.*

154. Reasonable consumers, like Plaintiffs, would be—and actually were—deceived by Defendants' conduct in promoting the Class Vehicles without disclosing information concerning the Engine Stalling Defect.

155. As described above, Plaintiffs and the Class suffered damages because the Class Vehicles suffer from the Engine Stalling Defect.

156. The Engine Stalling Defect caused Plaintiffs and other Florida Subclass members to sustain damages in the form of loss of use of their vehicles, early lease termination fees, costs to repair the Engine Stalling Defect, and even related costs such as replacement of the clutch and associated components.

157. As a direct and proximate result of Defendants' unlawful conduct, Plaintiffs and the Florida Class Members have suffered harm in that they bought Class Vehicles they otherwise would not have, overpaid for their Class Vehicles, did not receive the benefit of their bargain, and their Class Vehicles suffered a diminution in value.

158. The Class Vehicles do not function as advertised and warranted by Defendants. This condition has caused damages to Plaintiffs, which can be measured with specificity based upon, *inter alia*, the overpayment at the time of purchase, necessity of early lease termination, as well as cost of parts and labor to address the Engine Stalling Defect.

159. As a result of Defendants' omissions, Plaintiffs and the Florida Class suffered actual damages within the meaning of Fla. Stat. § 501.211, because they were or will be forced

to pay for parts and labor to address the Engine Stalling Defect their Class Vehicles' batteries. Additionally, Plaintiffs and the other Class members overpaid for their Class Vehicles and did not receive the benefit of their bargain, and may have incurred early lease termination fees.

**COUNT III**  
**VIOLATION OF CALIFORNIA'S CONSUMER LEGAL REMEDIES ACT**  
**(“CLRA”) (CAL. CIV. CODE §§ 1750, *et seq.*)**  
**(On Behalf of the Nationwide Class or, Alternatively, the California Class)**

160. Plaintiffs incorporate by reference each preceding and succeeding paragraph as though fully set forth and length herein.

161. Plaintiff Pidlaaoan brings this claim on behalf of himself and the members of the California Class against Defendant.

162. Defendant violated the Consumers Legal Remedies Act (CLRA), California Civil Code sections 1770(a)(5), (7), (9), (14), and (16), by engaging in unfair methods of competition and unfair and deceptive acts and practices in connection with transactions—namely, the sale of Class Vehicles to Plaintiff Pidlaaoan and the proposed California Class—that were intended to, and did, result in the sale and lease of goods to consumers.

163. In connection with the sale of Class Vehicles to Plaintiff Pidlaaoan and California Class members, Defendant knowingly concealed and failed to disclose the fact that the Class Vehicles are defective, with the intent that Plaintiff Pidlaaoan and the proposed class rely upon that concealment, suppression, or omission when purchasing or leasing Class Vehicles. The existence of the Engine Stalling Defect is material to a reasonable consumer in that it poses an unreasonable risk to their safety, may lead to thousands of dollars in repair and incidental expenses, requires inconvenient maintenance efforts, and causes the Class Vehicles to be worth substantially less than they would otherwise be valued.

164. Following Plaintiff Pidlaaoan and proposed Class members' purchase and lease of

Class Vehicles, Defendant has continued to conceal and fail to disclose the defect.

165. As a direct and proximate result of Defendants' conduct, Plaintiff Pidlaoan and California Class members have been harmed. Plaintiff Pidlaoan and the other California Class members bought or leased Class Vehicles they otherwise would not have, overpaid for their vehicles, did not receive the benefit of their bargain, and their Class Vehicles suffered a diminution in value. Plaintiff Pidlaoan and California Class members have also incurred and will continue to incur costs for addressing the Engine Stalling Defect in their Class Vehicles. Meanwhile, Defendant has sold more Class Vehicles than it otherwise could have and charged inflated prices for Class Vehicles, thereby unjustly enriching itself.

166. On September 14, 2020, and pursuant to Cal. Civ. Code § 1782(a), Plaintiffs sent notice to Volkswagen regarding its violations of the CLRA. After the 30-day notice period expires, Plaintiff Pidlaoan will seek leave to amend this complaint to seek monetary damages under the CLRA.

167. Pursuant to California Civil Code § 1780, and subject to the preceding paragraph, Plaintiff seeks all relief available under the CLRA, including an order requiring Defendant to adequately disclose and repair the Engine Stalling Defect, as well as attorney fees and costs.

**COUNT IV**  
**VIOLATION OF THE CALIFORNIA BUSINESS AND PROFESSIONS  
CODE (CAL. BUS. & PROF. CODE § 17200)**  
**(On Behalf of the Nationwide Class or, Alternatively, the California Class)**

168. Plaintiffs incorporate by reference each preceding and succeeding paragraph as though fully set forth at length herein.

169. Plaintiff Pidlaoan brings this claim on behalf of himself and on behalf of the members of the California Class against Defendant.

170. Defendants' acts and practices, as alleged in this complaint, constitute unlawful,

unfair, and fraudulent business practices, in violation of the Unfair Competition Law, Cal. Bus & Prof. Code §§ 17200, *et seq.*

171. Defendants' acts and practices constitute unlawful business practices, as discussed elsewhere in this Complaint, in that they violate the Magnuson-Moss Warranty Act, California's Consumers Legal Remedies Act, and California's Song-Beverly Consumer Warranty Act, and breach Volkswagen's warranties.

172. Defendants' acts and practices constitute unfair practices in that (i) they are unethical, unscrupulous, and substantially injurious to consumers; (ii) any legitimate utility of Defendants' conduct is outweighed by the harm to consumers; (iii) the injury is not one that consumers reasonably could have avoided; and/or (iv) the conduct runs afoul of the public policies underlying the Magnuson-Moss Warranty Act, California's Consumers Legal Remedies Act, and California's Song-Beverly Consumer Warranty Act, which seek to protect consumers against unfair and sharp business practices and to promote a basic level of honesty and reliability in the marketplace, and thus provide a sufficient predicate for Plaintiff Pidlaoan's claims for unfair business practices.

173. Defendants' acts and practices constitute fraudulent practices in that they are likely to deceive a reasonable consumer, who would not have purchased a Class Vehicle had Defendant adequately disclosed the Engine Stalling Defect and its ramifications.

174. As a direct and proximate result of Defendants' unlawful, unfair, and fraudulent business practices, Plaintiff Pidlaoan and the proposed California Class have suffered injury in fact and lost money or property, in that they bought or leased Class Vehicles they otherwise would not have, overpaid for their vehicles, did not receive the benefit of their bargain, and their Class Vehicles suffered a diminution in value. Plaintiff Pidlaoan and California Class members

have also incurred and will continue to incur costs for replacement batteries and incidental expenses. Meanwhile, Defendant has sold more Class Vehicles than it otherwise could have and charged inflated prices for Class Vehicles, unjustly enriching itself thereby.

175. Plaintiff Pidlaoan and the proposed California Class are entitled to equitable relief, including restitutionary disgorgement of all profits accruing to Defendant because of their deceptive practices and an order requiring Volkswagen to adequately disclose and repair the defect.

**COUNT V**  
**VIOLATION OF SONG-BEVERLY CONSUMER WARRANTY ACT**  
**FOR BREACH OF EXPRESS WARRANTIES**  
**(CAL. CIV. CODE §§ 1791.2 & 1793.2(D))**  
**(On Behalf of the California Class)**

176. Plaintiffs incorporate by reference all allegations of the preceding paragraphs as though fully set forth herein.

177. Plaintiff Pidlaoan brings this claim on behalf of himself and on behalf of the members of the California Class against Defendant.

178. Plaintiff Pidlaoan and the other California Class members who purchased or leased the Class Vehicles in California are “buyers” within the meaning of Cal. Civ. Code § 1791(b).

179. The Class Vehicles are “consumer goods” within the meaning of Cal. Civ. Code § 1791(a).

180. Volkswagen is a “manufacturer” of the Class Vehicles within the meaning of Cal. Civ. Code § 1791(j).

181. Volkswagen made express warranties to Plaintiff Pidlaoan and the other California Class members within the meaning of Cal. Civ. Code §§ 1791.2 and 1793.2, as

described above.

182. Defendants breached these warranties by selling and leasing Class Vehicles with the defect, requiring repair or replacement within the applicable warranty periods, and refusing to honor the warranties by providing free repairs or replacements during the applicable warranty periods.

183. Defendants did not promptly replace or buy back the vehicles of Plaintiff and proposed California Class members.

184. As a direct and proximate result of Volkswagen's breach of its express warranties, Plaintiff Pidlaoan and the other California Class members received goods whose condition substantially impairs their value to Plaintiff and the other Class members. Plaintiff Pidlaoan and the other Class members have been damaged as a result of, *inter alia*, the diminished value of Volkswagen's products, the Class Vehicles' malfunctioning, and actual and potential increased maintenance and repair or replacement costs.

185. Pursuant to Cal. Civ. Code §§ 1793.2 and 1794, Plaintiff Pidlaoan and the other Class members are entitled to damages and other legal and equitable relief including, at their election, the purchase price of their Class Vehicles, or the overpayment or diminution in value of their Class Vehicles.

186. Pursuant to Cal. Civ. Code § 1794, Plaintiff Pidlaoan and the other California Class members are entitled to costs and attorney fees.

**COUNT VI**  
**VIOLATION OF SONG-BEVERLY ACT – BREACH OF IMPLIED  
WARRANTY VIOLATIONS OF CALIFORNIA CIVIL CODE §§ 1792,  
1791.1, *et seq.***  
**(On Behalf of the California Class)**

187. Plaintiffs incorporate by reference each preceding and succeeding paragraph as

though fully set forth at length herein.

188. Plaintiff Pidlaoan brings this claim on behalf of himself and on behalf of the members of the California Class against all Defendants.

189. Class Vehicles are “consumer goods” within the meaning of Cal. Civ. Code § 1791(a).

190. Volkswagen is a “manufacturer” within the meaning of Cal. Civ. Code § 1791(j).

191. Volkswagen impliedly warranted to Plaintiff and the California Class that Class Vehicles were “merchantable” within the meaning of Cal. Civ. Code §§ 1791.1(a) & 1792.

192. Cal. Civ. Code § 1791.1(a) states: “Implied warranty of merchantability” or “implied warranty that goods are merchantable” means that the consumer goods meet each of the following:

- (1) Pass without objection in the trade under the contract description.
- (2) Are fit for the ordinary purposes for which such goods are used.
- (3) Are adequately contained, packaged, and labeled.
- (4) Conform to the promises or affirmations of fact made on the container or label.

193. Class Vehicles would not pass without objection in the automotive trade because the Engine Stalling Defect results in the Class Vehicles failing to operate as intended and expected.

194. Because the Engine Stalling Defect poses an unreasonable risk to driver safety and materially reduces the reliability and dependability of the vehicles, the Class Vehicles are not fit for ordinary purposes for which such goods are used.

195. Class Vehicles are not adequately labeled because the labeling fails to disclose the Engine Stalling Defect and does not advise proposed California Class members of the defect.

196. The Engine Stalling Defect deprived Plaintiff Pidlaoan and the proposed California Class of the benefit of their bargain and have caused Class Vehicles to be worth less than what Plaintiff and other proposed California Class members paid.

197. As a direct and proximate result of Volkswagen's breach of its duties, proposed California Class members received goods whose condition substantially impairs their value. Plaintiff Pidlaoan and the proposed California Class have been damaged by the diminished value of the vehicles, the vehicles' malfunctioning, and actual and potential increased maintenance and repair costs.

198. Under Cal. Civ. Code §§ 1791.1(d) and 1794, Plaintiff Pidlaon and proposed California Class members are entitled to damages and other legal and equitable relief including, at their election, the purchase price of their Class Vehicles, or the overpayment or diminution in value of their Class Vehicles, and are also entitled to their attorney fees and costs.

**COUNT VII**  
**VIOLATION OF THE NEW JERSEY CONSUMER FRAUD ACT**  
**(N.J. Stat. Ann. § 56:8-1, et seq.)**  
**(On Behalf of the Nationwide Class and/or the New Jersey Class)**

199. Plaintiffs incorporate by reference the allegations of all foregoing paragraphs as if they had been set forth in full herein.

200. Plaintiff Villalta, New Jersey Subclass members, and Volkswagen are persons within the meaning of N.J. Stat. Ann. § 56:8-1(d).

201. Volkswagen engaged in the “sale” of “merchandise” within the meaning of N.J. Stat. Ann. § 56:8-1(c).

202. Volkswagen's advertisements described herein are "advertisements" within the meaning of N.J. Stat. Ann. § 56:8-1(a).

203. The New Jersey Consumer Fraud Act (“NJCFA”) prohibits “any unconscionable  
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commercial practice, deception, fraud, false pretense, false promise, misrepresentation, or the knowing concealment, suppression or omission of any material fact with the intent that others rely upon such concealment, suppression or omission, in connection with the sale or advertisement of any merchandise . . . ." N.J. Stat. Ann. § 56:8-2.

204. Volkswagen employed unconscionable commercial practices in its advertisement and sale of the Class Vehicles. Volkswagen's practices in connection with its advertisement and sale of the Class Vehicles were unscrupulous and demonstrate a lack of honesty and fair dealing.

205. Volkswagen engaged in fraudulent and deceptive trade practices, in violation of the NJCFA, by misrepresenting and concealing the existence of the Engine Stalling Defect. Such information was material to a reasonable consumer because, among other things, the Engine Stalling Defect renders the vehicle inoperable, forces consumers to incur additional repair expenses, diminishes the value of Class Vehicles, and represents an unreasonable safety risk to consumers.

206. Volkswagen's material misrepresentations and omissions are highly likely to mislead the public and induce consumers to make misinformed purchases or leases.

207. Volkswagen owed a duty to disclose material facts about the defective nature of the Class Vehicles because: (1) Volkswagen had exclusive or superior knowledge of the Class Vehicles' propensity to stall; (2) Volkswagen knew that Plaintiff Villalta and New Jersey class members were unaware of the Engine Stalling Defect in the Class Vehicles; (3) Volkswagen understood the true facts regarding the Engine Stalling Defect in the Class Vehicles, including that they are defective and cause serious safety issues, would be important to reasonable prospective buyers of the Class Vehicles; and (4) Volkswagen made representations regarding the quality and functionality of the Class Vehicles that were misleading, deceptive, and

incomplete without the disclosure of the true facts regarding the Engine Stalling Defect in the Class Vehicles.

208. The misrepresentations and material omissions described above were uniform across the New Jersey class. All of the advertising, promotional materials, manuals, and window stickers contained the same material misrepresentations and omissions.

209. The misrepresentations and knowing material omissions were intended to induce Plaintiff Villalta and New Jersey class members to purchase or lease Class Vehicles. Plaintiff Villalta and New Jersey class members would not have purchased or leased a Class Vehicle, or would have paid less for them, in the absence of Volkswagen's misrepresentations and knowing material omissions.

210. Plaintiff Villalta and New Jersey class members suffered ascertainable loss as a direct and proximate result of Volkswagen's unconscionable and deceptive acts and practices. Among other injuries, Plaintiff and New Jersey Subclass members overpaid for their Class Vehicles, and their Class Vehicles suffered a diminution in value.

211. As permitted under N.J. Stat. Ann. § 56:8-19, Plaintiff Villalta and New Jersey Subclass members seek trebled damages, appropriate injunctive relief, and reasonable attorney's fees.

212. Pursuant to N.J. Stat. Ann. § 56:8-20, Plaintiffs will serve the New Jersey Attorney General with a copy of this Complaint.

**COUNT VIII**  
**VIOLATION OF THE MAGNUSON-MOSS WARRANTY ACT**  
**(15 U.S.C. § 2301, *et seq.*)**  
**(On Behalf of the Nationwide Class, and/or the Florida and/or New York and/or the California and/or Ohio Classes)**

213. Plaintiffs incorporate by reference the allegations of all foregoing paragraphs as if

they had been set forth in full herein.

214. The Magnuson-Moss Warranty Act, 15 U.S.C. §§ 2301 *et seq.*, provides a federal remedy for consumers who have been damaged by the failure of a supplier or warrantor to comply with any obligation under a written warranty or implied warranty, or other various obligations.

215. An implied warranty of merchantability arose in connection with Plaintiffs' lease or purchase of their Class Vehicles by operation of state law under the Magnuson-Moss Warranty Act, 15 U.S.C. § 2301(7).

216. The Class Vehicles are each a "consumer product" within the meaning of the Magnuson-Moss Warranty Act, 15 U.S.C. § 2301(1).

217. Plaintiffs and Class members are "consumers" within the meaning of the Magnuson-Moss Warranty Act, 15 U.S.C. § 2301(3).

218. Volkswagen is a "supplier" and "warrantor" within the meaning of the Magnuson-Moss Warranty Act, 15 U.S.C. §§ 2301(4) & 2301(5).

219. Defendants breached the implied warranty of merchantability by leasing or selling Plaintiffs and Class members Class Vehicles containing the Engine Stalling Defect and thereby violated the Magnuson-Moss Warranty Act.

220. Consequently, Plaintiffs and Class members have suffered injury and are entitled to damages in an amount to be proven at trial, along with attorney's fees and costs.

**COUNT IX**  
**UNJUST ENRICHMENT**

**(On Behalf of the Nationwide Class, and/or the Florida and/or the New York and/or the California and/or Ohio Classes)**

221. Plaintiffs incorporate by reference the allegations of all foregoing paragraphs as if they had been set forth in full herein.

222. Plaintiffs and the Class conferred a benefit on Defendants by purchasing the Class Vehicles.

223. Defendants had knowledge that this benefit was conferred upon them.

224. Because of their wrongful acts and omissions, Defendants charged a higher price for the Class Vehicles than the Class Vehicles' true value, and Defendants obtained money which rightfully belongs to Plaintiffs and the Class.

225. Defendants were and continue to be unjustly enriched at the expense of Plaintiffs and Class members.

226. Defendants' retention (without an offsetting return payment) of the benefit conferred upon it by Plaintiffs and members of the Class would be unjust and inequitable.

**COUNT X**  
**BREACH OF EXPRESS WARRANTY**  
**(On Behalf of the Nationwide Class, and/or the Florida and/or the New York and/or the California and/or Ohio Classes)**

227. Plaintiffs incorporate by reference the allegations of all foregoing paragraphs as if they had been set forth in full herein.

228. Defendants expressly warranted that the Class Vehicles were of high quality and, at a minimum, would work properly. Defendants also expressly warranted that they would repair and/or replace defects in material and/or workmanship free of charge that occurred during the New Vehicle Limited Warranty periods.

229. Defendants breached these warranties by selling to Plaintiffs and Class members the Class Vehicles with the known Engine Stalling Defect.

230. As a result of the Defendants' actions, Plaintiffs and Class members have suffered economic damages including but not limited to loss of vehicle use while their vehicles are undergoing examination at repair facilities, substantial loss in value and resale value of the

vehicles, and other related damages, including lease termination fees in some instances.

231. Defendants' attempt to disclaim or limit these express warranties vis-à-vis consumers is unconscionable and unenforceable under the circumstances present here. Specifically, Defendants' warranty limitations are unenforceable because Defendants knowingly sold a defective product without informing consumers about the Engine Stalling Defect. Furthermore, Defendants have failed to repair the Defect.

232. A gross disparity in bargaining power existed between Volkswagen and Class members, and Volkswagen knew or should have known that the Class Vehicles were defective at the time of sale and would fail well before their useful lives.

233. Plaintiffs and Class members have complied with all obligations under the warranties, or otherwise have been excused from performance of said obligations as a result of Defendants' conduct described herein.

**COUNT XI**  
**BREACH OF IMPLIED WARRANTY**  
**(On Behalf of the Nationwide Class, and/or the Florida and/or the New York and/or the California and/or Ohio Classes)**

234. Plaintiffs incorporate by reference the allegations of all foregoing paragraphs as if they had been set forth in full herein.

235. A warranty that the Class Vehicles were in merchantable condition is implied by law.

236. The Class Vehicles, when sold and at all times thereafter, were not in merchantable condition and are not fit for the ordinary purpose for which automobiles are used. Specifically, the Class Vehicles are inherently defective in that their engines are predisposed to a defect which causes them to turn off without warning as the vehicles slow to a stop or prepare to make a turn with the clutch pressed in and vehicle in neutral or when their brakes are applied,

causing them to pose dangerous conditions for the Class Vehicles' occupants and others on the roadway.

237. The dealers were not intended to be the ultimate consumers of the subject vehicles, and have no rights under the warranty agreements provided by Volkswagen. Volkswagen's warranties were designed for and intended to benefit the consumers only. Therefore, the consumers of the Class Vehicles, including Plaintiffs, were third-party beneficiaries.

238. Defendants were provided notice of these issues by numerous informal and formal complaints filed against them, including this Complaint, and by numerous individual letters and communications sent by Plaintiffs and other Class members.

239. As a direct and proximate result of Defendants' breach of the warranties of merchantability, Plaintiffs and the other Class members have been damaged in an amount to be proven at trial.

**COUNT XII**  
**COMMON LAW FRAUD**  
**(On Behalf of the Nationwide Class, and/or the Florida and/or the New York and/or the California and/or Ohio Classes)**

240. Plaintiffs incorporate by reference the allegations of all foregoing paragraphs as if they had been set forth in full herein.

241. Defendants made material omissions concerning a presently existing or past fact. For example, Defendants did not fully and truthfully disclose to its customers the true nature of the inherent defect which causes Class Vehicles to turn off without warning as the vehicles slow to a stop or prepare to make a turn with the clutch pressed in or when the brakes are applied, which was not readily discoverable until after the Class Vehicles were purchased. As a result, Plaintiffs and Class members were fraudulently induced to lease and/or purchase the Class

Vehicles with the said Engine Stalling Defect and all of the resultant problems.

242. These omissions were made by Defendants with knowledge of their materiality, and with the intent that Plaintiffs and Class members rely upon them.

243. Plaintiffs and Class members reasonably relied on these omissions and suffered damages as a result.

**COUNT XIII**  
**BREACH OF THE COVENANT OF GOOD FAITH AND FAIR DEALING**  
**(On Behalf of the Nationwide Class, and/or the Florida and/or the New York and/or the California and/or Ohio Classes)**

244. Plaintiffs incorporate by reference the allegations of all foregoing paragraphs as if they had been set forth in full herein.

245. Every contract in New York and Florida contains an implied covenant of good faith and fair dealing. The implied covenant of good faith and fair dealing is an independent duty and may be breached even if there is no breach of a contract's express terms.

246. Defendants breached the covenant of good faith and fair dealing through malicious conduct by, *inter alia*, failing to notify Plaintiffs and Class members of the Engine Stalling Defect in the Class Vehicles, and failing to fully and properly repair the defect.

247. Defendants acted in bad faith and/or with a malicious motive to deny Plaintiffs and Class members some benefit of the bargain originally intended by the parties, thereby causing them injuries in an amount to be determined at trial.

**COUNT XIV**  
**VIOLATIONS OF THE CONSUMER SALES PRACTICES ACT**  
**(OHIO REV. CODE § 1345.01, ET SEQ.)**  
**(On Behalf of the Ohio Class)**

248. Plaintiffs incorporate by reference the allegations of all foregoing paragraphs as if they had been set forth in full herein.

249. Plaintiff Bivens brings this claim on behalf of himself and the members of the Ohio Class against Defendants.

250. Plaintiff and the other Ohio Subclass members are “consumers” as defined by the Ohio Consumer Sales Practices Act, OHIO REV. CODE § 1345.01 (“OCSPA”). Defendants are “suppliers” as defined by the OCSPA. Plaintiff’s and the other Ohio Subclass members’ purchases or leases of the Class Vehicles were “consumer transactions” as defined by the OCSPA.

251. By willfully failing to disclose and actively concealing the Engine Stalling Defect, Defendants engaged in deceptive business practices prohibited by the OCSPA, including (1) representing that the Class Vehicles have characteristics, uses, benefits, and qualities which they do not have, (2) representing that the Class Vehicles are of a particular standard, quality, and grade when they are not, (3) advertising the Class Vehicles with the intent not to sell them as advertised, and (4) engaging in acts or practices which are otherwise unfair, misleading, false, or deceptive to the consumer.

252. In the course of its business, Defendants willfully failed to disclose and actively concealed the Engine Stalling Defect discussed herein, and otherwise engaged in activities with a tendency or capacity to deceive. Defendants also engaged in unlawful trade practices by employing deception, deceptive acts or practices, fraud, misrepresentations, or concealment, suppression, or omission of any material fact with intent that others rely upon such concealment, suppression, or omission, in connection with the sale of the Class Vehicles.

253. Defendants knew the vehicles they provided suffered from the Engine Stalling Defect and knew that the Class Vehicles did not operate safely, as advertised. Defendants knew this for years, but concealed all information concerning the Engine Stalling Defect.

254. Defendants was also aware that it valued profits over safety, and that it was manufacturing, selling, and distributing vehicles throughout the United States that did not perform as advertised and jeopardized the safety of the vehicle's occupants. Defendants concealed this information as well.

255. By failing to disclose that the Class Vehicles did not operate safely because of the Engine Stalling Defect, by marketing its vehicles as safe, reliable, and of high quality, and by presenting itself as a reputable manufacturer that valued safety and stood behind its vehicles after they were sold, Defendants engaged in deceptive business practices in violation of the OCSPA.

256. Defendants' unfair or deceptive acts or practices were likely to and did in fact deceive reasonable consumers, including Plaintiff Bivens and the other Ohio Subclass members, about the true performance of the Class Vehicle with the Engine Stalling Defect, the quality of the Defendants brand, the devaluing of safety and performance at Defendants, and the true value of the Class Vehicles.

257. Defendants intentionally and knowingly misrepresented material facts regarding the Class Vehicles with an intent to mislead Plaintiff and the Ohio Subclass.

258. Defendants knew or should have known that its conduct violated the OCSPA.

259. As alleged above, Defendants made material statements about the safety and utility of the Class Vehicles and the Defendants brand that were either false or misleading.

260. Defendants owed Plaintiffs a duty to disclose the true safety, performance, and reliability of the Class Vehicles, and the devaluing of safety and performance at Defendants, because Defendants:

a. Possessed exclusive knowledge that it valued profits and cost-cutting over safety and performance, and that it was manufacturing, selling, and distributing vehicles throughout the United States that did not perform as advertised;

b. Intentionally concealed the foregoing from Plaintiffs and the Class; and/or

c. Made incomplete representations about the safety and performance of the Class Vehicles generally, and the Engine Stalling Defect in particular, while purposefully withholding material facts from Plaintiffs and the Class that contradicted these representations.

261. Because Defendants fraudulently concealed the Engine Stalling Defect and the true performance of the Class Vehicles, resulting in a raft of negative publicity once the defects finally began to be disclosed, the value of the Class Vehicles has diminished. In light of the stigma attached to those vehicles by Defendants' conduct, they are now worth significantly less than they otherwise would be.

262. Because Defendants fraudulently concealed the Engine Stalling Defect and the true performance of the Class Vehicles, resulting in a raft of negative publicity once the defects finally began to be disclosed, the value of the Class Vehicles has diminished. In light of the stigma attached to those vehicles by Defendants' conduct, they are now worth significantly less than they otherwise would be.

263. The Ohio Attorney General has made available for public inspection prior state court decisions which have held that the acts and omissions of Defendants in this Complaint, including, but not limited to, the failure to honor both implied warranties and express warranties, the making and distribution of false, deceptive, and/or misleading representations, and the concealment and/or non-disclosure of a dangerous defect, constitute deceptive sales practices in

violation of the OCSPA. These cases include, but are not limited to, the following:

- a. *Mason v. Mercedes Benz USA, LLC* (OPIF #10002382);
- b. *State ex rel. Betty D. Montgomery v. Volkswagen Motor Co.* (OPIF #10002Engine Stalling);
- c. *State ex rel. Betty D. Montgomery v. Bridgestone/Firestone, Inc.* (OPIF #10002025);
- d. *Bellinger v. Hewlett-Packard Co.*, No. 20744, 2002 Ohio App. LEXIS 1573 (Ohio Ct. App. Apr. 10, 2002) (OPIF #10002077);
- e. *Borror v. MarineMax of Ohio*, No. OT-06-010, 2007 Ohio App. LEXIS 525 (Ohio Ct. App. Feb. 9, 2007) (OPIF #10002388);
- f. *State ex rel. Jim Petro v. Craftmatic Organization, Inc.* (OPIF #10002347);
- g. *Mark J. Craw Volkswagen, et al. v. Joseph Airport Toyota, Inc.* (OPIF #10001586);
- h. *State ex rel. William J. Brown v. Harold Lyons, et al.* (OPIF #10000304);
- i. *Brinkman v. Mazda Motor of America, Inc.* (OPIF #10001427);
- j. *Khouri v. Don Lewis* (OPIF #100001995);
- k. *Mosley v. Performance Mitsubishi aka Automanage* (OPIF #10001326);
- l. *Walls v. Harry Williams dba Butch's Auto Sales* (OPIF #10001524); and
- m. *Brown v. Spears* (OPIF #10000403).

264. As a result of its violations of the OCSPA, as detailed above, Defendants caused actual damage to Plaintiff and, if not stopped, will continue to harm Plaintiff. Plaintiff currently owns a Class Vehicle that is defective. The Engine Stalling Defect has caused the value of the Class Vehicles to decrease.

265. Plaintiff and the Class sustained damages as a result of Defendants' unlawful acts and are therefore entitled to damages and other relief as provided under the OCSPA.

266. Because Defendant fraudulently concealed the Engine Stalling Defect and the true performance of cars suffering from the Engine Stalling Defect, resulting in a raft of negative

publicity once the defects finally began to be disclosed, the value of the Class Vehicles has diminished. In light of the stigma attached to those vehicles by Defendants' conduct, they are now worth less than they otherwise would be.

267. Plaintiffs also seek court costs and attorneys' fees as a result of Defendants' violations of the OCSPA, as provided in OHIO REV. CODE § 1345.09.

**PRAYER FOR RELIEF**

WHEREFORE, Plaintiffs, on behalf of themselves and members of the Class, respectfully request that this Court:

- A. determine that the claims alleged herein may be maintained as a class action under Rule 23 of the Federal Rules of Civil Procedure, and issue an order certifying the Class as defined above;
- B. appoint Plaintiffs as the representatives of the Class and their counsel as Class counsel;
- C. award all actual, general, special, incidental, statutory, punitive, and consequential damages to which Plaintiffs and Class members are entitled;
- D. award pre-judgment and post-judgment interest on such monetary relief;
- E. grant appropriate injunctive and/or declaratory relief, including, without limitation, an order that requires Defendants to repair, recall, and/or replace the Class Vehicles and to extend the applicable warranties to a reasonable period of time, or, at a minimum, to provide Plaintiffs and Class members with appropriate curative notice regarding the existence and cause of the design defect;
- F. award reasonable attorney's fees and costs; and
- G. grant such further relief that this Court deems appropriate.

**DEMAND FOR JURY TRIAL**

Plaintiffs demand a trial by jury on all issues so triable.

Dated: December 2, 2020

Respectfully submitted,

*/s/ Matthew D. Schelkopf*

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